Carolina

Charter of 1663

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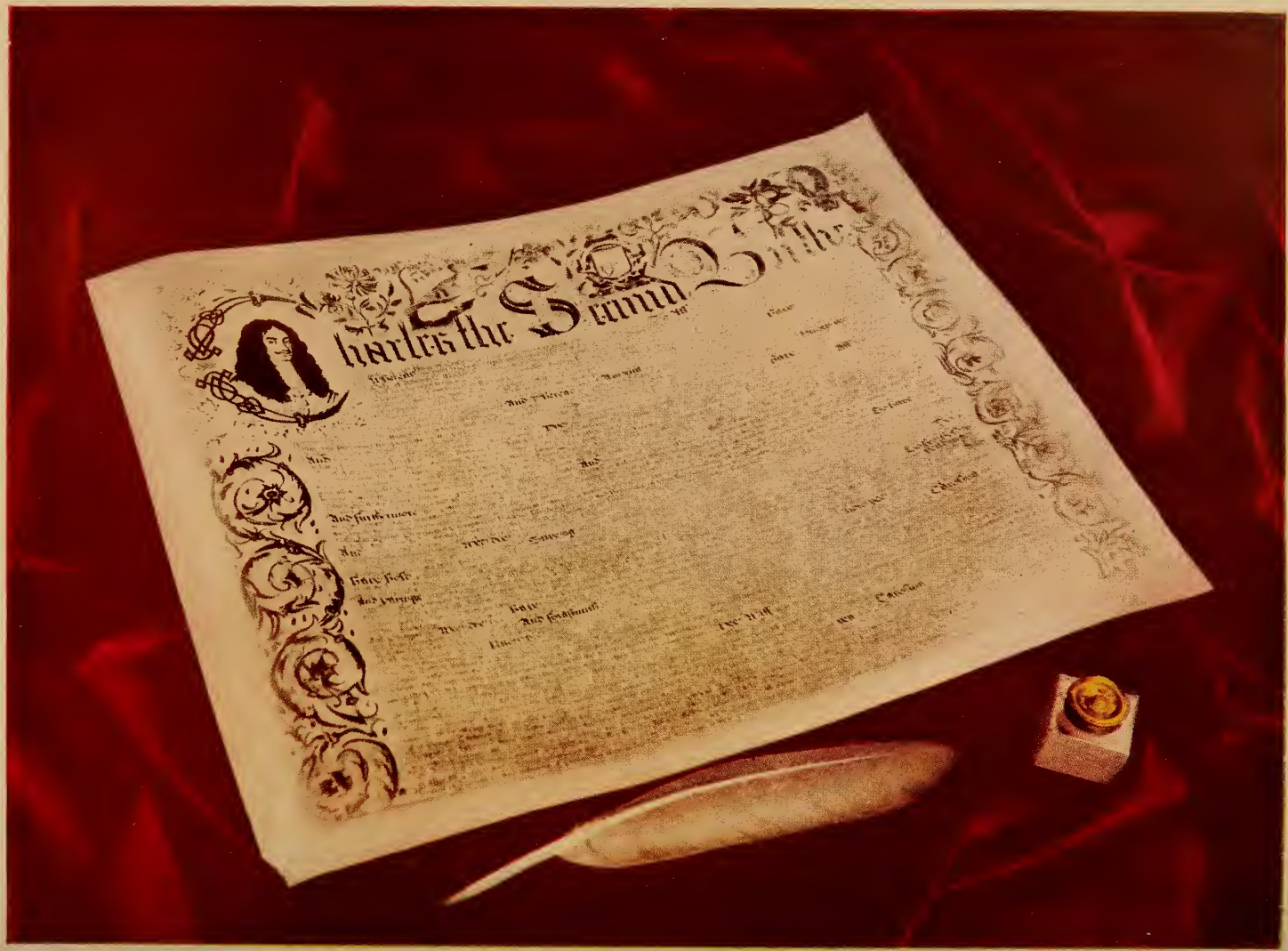

First Page of the Carolina Charter of 1663

See page 23 for the text of the charter.

THE CAROLINA CHARTER OF 1663

How It Came to North Carolina And Its Place in History

With Biographical Sketches of the Proprietors

William Stevens Powell

RALEIGH
The State Department of Archives and History
1954

NORTH CAROLINA
DEPARTMENT OF ARCHIVES AND HISTORY

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McDaniel Lewis, Greensboro

Mrs. P. F. Patton, Hendersonville

Mrs. B. T. Williams, Stedman

Christopher Crittenden, *Director,* Raleigh

FOREWORD

This account of how North Carolina came to acquire the Carolina Charter of 1663 is intended to tell the story back of the acquisition of the physical document rather than the history of the granting of the charter in the seventeenth century. Only so much of the latter story is told as seems necessary to the present account. For a more detailed relation of the early settlement and development of the colony the reader is referred to the bibliography.

The suggestion that the story of the charter be told in this form came from the late R. D. W. Connor, chairman of the Executive Board of the State Department of Archives and History.

The writer wishes to take this opportunity to express his appreciation to Christopher Crittenden, director of the State Department of Archives and History, for his cooperation and assistance in preparing this account and for directing the writer's part in the long and rather involved process of investigating the charter when he was a member of the staff of the State Department of Archives and History; to Miss Eva J. Lawrence for the difficult task of typing a transcript of the charter from his pencil copy; to Mrs. Julia C. Meconnahey for additional typing; to Alexander J. Wall, Jr., of the New Jersey Historical Society, for reading the sketches of Carteret and John Berkeley; to W. Edwin Hemphill, of the Virginia State Library, for reading the sketch of William Berkeley; to D. L. Corbitt, head of the Division of Publications of the State Department of Archives and History, for seeing that this little volume came safely through the uncertain hands of the printer; and to his wife for help and advice along the way.

WILLIAM S. POWELL

Chapel Hill, N. C.
February 1, 1954

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Courtesy National Portrait Gallery, London

King Charles II (1630-1685), who granted Carolina to eight of his favorites in 1663.

HOW THE CHARTER CAME TO NORTH CAROLINA

HE CHARTER of 1663 issued by King Charles II to eight of his personal friends has been called the birth certificate of the two Carolinas. Its provisions were in effect very soon after the area was first permanently settled and when the first lasting government was established. It ranks among the most important documents in North Carolina history, including the other charters for the region, the Fundamental Constitutions of 1669, and the state constitutions of 1776 and 1868.

This was the fifth charter issued by the British Crown which included the area, or a part of the area, that is now North Carolina. The first was granted by Queen Elizabeth in 1578 to Sir Humphrey Gilbert to plant colonies in the New World. Gilbert perished on the way from Newfoundland to England in 1583 and the following year his grant was renewed in the name of his half-brother, Sir Walter Raleigh, for a vast region called Virginia. The third was the charter of Virginia, granted in 1606 to the Virginia Company of London and voided in 1624. The fourth, and the first to mention the area Carolina by name, was granted in 1629 to Sir Robert Heath and was voided soon after 1660. Finally, the charter of 1663 granted Carolina—a vast area extending from Virginia southward to Spanish Florida and westward to the "South Seas" or Pacific Ocean—to eight Lords Proprietors, favorites of King Charles II. Two years later another charter extended still farther the boundaries of the region. This was done primarily to include certain settlements already made in the region of Albemarle Sound by colonists from Virginia. In 1729 all of the Proprietors except the Earl of Granville sold their rights in Carolina to the Crown.

In the spring of 1947 word came that this charter of 1663 had been found in England and was being offered for sale for £2,500 or $10,000 by Charles W. Traylen, antiquarian bookseller of Guildford, Surrey. Widespread interest was immediately shown by historians, educators, antiquarians, and other citizens not only in the two Carolinas but also in adjoining states and else-

where. Only six other states—Connecticut, Delaware, Maryland, New York, Pennsylvania, and Rhode Island—possessed their colonial charters and it had long been assumed that no others had survived the ravages of time.

Steps were taken almost at once looking towards the acquisition of the charter for North Carolina. The director of the State Department of Archives and History, with the consent and approval of the Executive Board of the Department, entered into correspondence with the owner and with numerous persons who might help establish the authenticity of the charter, and undertook to secure the necessary funds. Mr. Traylen agreed to hold the charter for a time until plans could be crystallized and a definite course of action planned.

Before attempting to secure funds for the purchase of the charter it was deemed prudent to determine, in so far as possible, its authenticity, its provenance, and whether the seller could offer a clear title. In these efforts full assistance was given by Mr. Traylen and other persons in England and by numerous interested scholars in this country.

The story of this investigation may well become an interesting footnote in future accounts of American historiography. It proved to be a practical problem solved cooperatively by British and American historians, librarians, and archivists.

One of the first questions needing to be answered arose because the grant was made to eight Proprietors instead of to a single individual. Were there, therefore, eight such charters made—all "originals"—or only one? In an attempt to answer the question Mr. Traylen turned to the British Public Record Office in London. On September 14, 1947, he was given a reply.

So far as this Department is aware [L. C. Hector wrote for the Secretary], the normal practice of the Chancery, in issuing a Commission by Letters Patent for the benefit of a number of persons, was to prepare only a single exemplar, which was entrusted to one of the Commissioners (normally the one first named) or to the Clerk or Secretary to the Commission. The copy [of the Carolina Charter of 1663] preserved in the records of the Chancery takes the form of an enrolment on the *Patent Roll*, rehearsing the full text but omitting the seal and any embellishments that may appear on the engrossment. In the present

case, the Enrolment appears on *Patent Roll* 15, Charles II, part 2. The official reference to this roll is C.66/3033, No. 27.

An Abstract of the Patent appears in the *Patent Office Docquet Book* for the year in question. There is no suggestion there that the Commission was executed in multiplicate, as there well might have been if that were so, for the Clerk would no doubt have been entitled to an extra fee and would have noted the fact in the *Docquet Book*. There is therefore some ground for supposing, in the absence of indications to the contrary, that the Document in your possession is the one issued by the Chancery and that no others were made out in the same form.

The name at the bottom right hand corner of the Patent is that of the Chancery official primarily responsible for preparing the Document. It seems most unlikely that he is to be identified with the Earl Marshal, though the officers of this Department have tried to ascertain it.

The Keeper of Manuscripts at the British Museum reported to Joseph Charles, Cultural Relations Officer on the staff of the American Embassy, that one of his assistants had "made a reasonable, but by no means an exhaustive, search for other original copies of the Letters Patent of Charles II to the Lords Proprietors of Carolina, which we discussed yesterday. He has had no success in finding another original, and the pressure of his official duties prevents him from carrying the search any further."

On this side of the Atlantic an opinion only slightly different was expressed by Leonard W. Labaree of Yale University. On September 15, 1947, he wrote the director of the Department of Archives and History:

You inquired as to the number of copies which there might have been made of the charter. I remember Professor [Charles M.] Andrews speaking again and again (particularly with reference to the Connecticut charter of which there are two known copies) that such documents were always issued in duplicate, that is in two equally original copies. In the case of Connecticut, there is one belonging to the State and one in mutilated form belonging to the Connecticut Historical Society. Local people have always fought over which was the "original." Andrews always used to say that that was a ridiculous quarrel because both were originals, and that it was standard procedure to issue two. I should suspect that the same would be true in the

case of North Carolina in spite of the fact that there were eight proprietors. I should doubt greatly if eight copies were made. Furthermore, I feel quite certain there would be no additional vellum copies preserved by the British government. Their records would be in the form of the engrossment in the Patent Rolls.

Additional information and suggestions for further research came from Julian P. Boyd, a native North Carolinian who is in the history department at Princeton University and devoting his time to editing the papers of Thomas Jefferson; the late Randolph G. Adams, then director of the William L. Clements Library at the University of Michigan; David C. Mearns, at that time director of the Reference Department of the Library of Congress; Ernst Posner, of the American University, Washington, D. C.; Oliver W. Holmes, of the National Archives; members of the American Embassy staff in London; and others.

It was at the suggestion of Randolph G. Adams that steps were taken to have the charter sent to North Carolina on approval. In a letter dated November 8, 1947, it was explained to the owner that no funds were in hand for the purchase of the charter but that an effort would be made to raise the necessary sum once all doubts had been cleared away. The request was also made that the charter be sent on approval to the Department of Archives and History through the diplomatic mail if possible. Mr. Traylen promptly agreed to send the charter, but found that since it could not be insured in the diplomatic mail it would be better sent by air express. Accordingly, after securing the necessary clearance with British authorities, in part through the good offices of Lewis W. Douglas, American Ambassador to the Court of St. James's, the charter left England late in November, 1947. First word of its arrival in North Carolina came from the Deputy Collector, United States Customs Service, Beaufort, N. C., who reported that the package was being sent to the Deputy Collector in Durham. On December 12, 1947, Christopher Crittenden, director of the Department of Archives and History, received the charter in Durham. It was immediately placed in the vaults of the Wachovia Bank and Trust Company in Raleigh, where it remained (except for brief periods when it was removed

for special purposes) until the present special display safe could be designed and installed in the Hall of History.

Now, with the actual charter in hand, more positive steps could be taken to dispel the remaining doubts as to its authenticity. On the surface there appeared no reason to doubt that this was the very important seventeenth-century document it purported to be. Not a shred of evidence against its being genuine appeared when it was compared with photocopies of the other known American charters of the period.

At the National Archives in Washington Arthur E. Kimberly, chief of the Cleaning and Rehabilitation Branch, examined the charter and expressed the belief that it was genuine. The ink, he reported, appeared to be "proper" for documents of that type and period.

Early in January, 1949, the charter was taken to Chapel Hill by the director of the Department of Archives and History to be studied by Charles J. Sisson, professor of Modern English Literature at the University College, London, who was at that time visiting professor at the University of North Carolina, and a group of faculty members at the latter institution. After a careful examination Dr. Sisson expressed the opinion that the document was genuine.

Negative and positive photostats of the charter were sent to Taylor Milne, secretary and librarian of the Institute of Historical Research in London so that it could be verified against the copy on the rolls of the Public Record Office and so that the handwriting could be examined. By comparing the photographic copy with the Chancery enrollment at the Public Record Office it was found that the wording of the two was identical except for slight variations compatible with the copying of such a long document. This check, of course, did not prove the authenticity of the charter, but several scholars familiar with this type of material, including E. S. de Beer and J. E. Neale of the University of London, after looking at the photostats, gave the opinion that the document showed every sign of being genuine.

In this same connection, and at nearly the same time, suggestions came from several sources that the original charter be sent to Godfrey Davies of the Huntington Library, San Marino, Cali-

fornia. Mr. Davies was universally recommended as one of the best authorities of the Stuart period.

A telephone call to San Marino was all that was necessary to interest Mr. Davies in the search for the truth concerning the Carolina charter of 1663. The original document was dispatched by air express and was back in Raleigh just a week later. His report in full was as follows:

The Charter is being sent to you today and I hope it will reach you as speedily and safely as it reached us. Mr. H. C. Schulz, the Curator of Manuscripts, and I have examined the Charter carefully but before expressing any opinion we should like to make it clear that we are acting as private individuals, in no way involving the Huntington Library. We are acting in good faith but of course we cannot accept any responsibility. This much by way of preliminary. We both believe that the Charter is authentic because the parchment, the ink, handwriting, and the general format appear exactly as they should appear. There is no sign at all of any forgery or tampering.

As regards the question whether this is the original Charter we cannot express a positive opinion because it is conceivable that for some reason which we cannot conceive one of the patentees may have had a copy made. The odds against such a suggestion are however very high. It is extremely unlikely that the Great Seal would have been attached to a copy of any kind. The portrait of Charles II and other decorations by hand make a notion of a copy seem almost fantastic. No doubt you saw what an extremely fine portarit of Charles II it is. A member of our staff made a careful examination of it and came to the conclusion that the technique used was that of a miniaturist. Naturally, the name of Samuel Cooper comes to mind and if you happen to have in your vicinity an expert on Restoration Art it might be well to ask him to examine the picture with a good glass when the method of construction becomes apparent.

It is unfortunate that the Seal is damaged but we see no reason to doubt that the fragment that remains was part of the Great Seal. Examples in green wax with gold and silver threads for an attachment are known. To affix a seal in this manner would have cost high fees. For these various reasons I think the probabilities are all in favor of this being the original Charter but I think I am correct in saying that no one can prove it beyond any possible shadow of doubt.

Although you did not ask my opinion on this point I would like to say a word about the suggestion that the Charter came from

the home of Anthony Ashley Cooper, Lord Ashley, and afterwards Earl of Shaftesbury: His papers were carefully examined as you know by Christie who refers to Shaftesbury being one of the patentees and to letters about North Carolina. It is difficult to believe that he would have overlooked a document of such outstanding importance unless indeed the explanation is that the Charter was stored away in an attic or even an outhouse and forgotten both when Christie examined the papers and when they were transferred to the Public Record Office.

This, and the previous evidence in its favor, left no reasonable doubt that the charter was authentic. All that remained to be answered was—where did it come from, who had had it all these years, and did the present owner have full authority to sell?

To work on this aspect of the problem and at the suggestion of Prof. Sisson, the services of Arthur Brown, a younger member of the English Department of University College, were obtained.

Placed at Mr. Brown's disposal were all the facts gleaned on both sides of the Atlantic in this exhaustive search. Mr. Traylen, the Guildford bookseller, also gave all the information he had or could learn about the document and its most recent owners. This new approach to the over-all question of the charter occupied the researcher on a part-time basis for the better part of 1949. His report is a fine example of document sleuthing at its best:

I first visited Mr. Taylor Milne, Secretary and Librarian of the Institute of Historical Research, who passed on to me the photostat copies of the document which had been sent to him [Mr. Brown wrote on November 9, 1949]. He confirmed for me the information which had already been sent to Dr. Crittenden. He gave me also a copy of a letter from Mr. Traylen, describing the way in which he had purchased the document, and expressing his opinion that it had probably been in the possession of a member of the Shaftesbury family, the Mr. Howes, from whom he had purchased the document, had come from the West Country. Mr. Taylor Milne was extremely helpful, gave me permission to use the facilities of the Institute of Historical Research in the course of my investigations, and promised to give me all the assistance that he could.

I next visited Mr. Traylen at Guildford, and confirmed with him the information which I had already received. Before I left, he gave me the address of the Mr. Howes from whom the docu-

ment had been bought, a fact which had not, apparently, been previously made known by him.

I wrote to Mr. Howes, of Keinton Mandeville, in Somerset, but was unable to make an appointment to see him because of his absence from home. His wife, however, wrote me, and confirmed that the document in question had belonged to Mr. Howes's brother, and had been found among his effects when he died. This brother had, it seems, been in the habit of attending auction sales, and it was thought that he had picked up the document at one of these. Mrs. Howes was unable to give me any further information, but promised, on her husband's behalf, to give me all possible assistance. In view of this I prepared a fairly lengthy questionnaire concerning the sales which had been attended by the dead brother—the dates and places wherever these were known, the names and addresses of the dealers with whom he did business, whether any copies of sales catalogues had been found amongst his effects, whether the document itself, when discovered, had been isolated or with other documents whose origin was more definitely known. I also enquired about the names and addresses of other friends and relations of the dead brother who might be able to help, especially of any who may have been in the habit of attending sales with him.

Some time elapsed before I had a reply to this questionnaire, and meanwhile I investigated the matter from the angle of the Shaftesbury papers in the Public Record Office. It seemed unlikely that I would get much help from these, since they had been examined and reported on very closely several times, as Mr. Godfrey Davies had already pointed out. They contained, of course, a great deal of information about the original colony, but I found nothing to throw any light on the document under examination, and nothing to suggest that it had ever formed part of the Shaftesbury collection. I also examined all available sales catalogues of the libraries of the Shaftesburies, the Clarendons, and any other noble families who appear to have had connections with the colony at the period in question—but there was no information obtained from these sources.

Meanwhile I had a reply from Mrs. Howes, who had been making enquiries for me in the family. It appeared that the document had belonged, not to the dead brother, but to his father Captain J. Howes, of Hertford, who had purchased it at a local sale in 1945. The auctioneers at this sale were Messrs. Norris and Duval of Hertford.

I now approached Captain Howes, who was very helpful indeed. He told me that he had been in the habit of collecting old documents, and this one had been part of a miscellaneous lot

at a local sale in Hertford. The correct date of this sale was 28 November 1946 (not 1945 as Mrs. Howes had stated), and the lots sold had come from the home of Lady Rosa Clinton-Baker, of Bayfordbury, Herts. He also volunteered the information that the document had narrowly missed destruction the following winter when the cellars of his home had been flooded, and many items of his collection destroyed.

Lady Clinton-Baker is the widow of Admiral Sir Lewis Clinton-Baker who died in 1939. I was able to contact her at her London address, but she could tell me only that the document had been in the Baker family as long as she could remember, and she was unable to say how it had originally come into the family. One or two further lines of investigation were suggested by other points which she made—first the fact that three members of the Baker family serving in the Royal Navy were drowned at different times between 1796 and 1822 off the American coasts, and second, the fact that the greater part of the library at the family seat of Bayfordbury came there through the well-known publisher Jacob Tonson, who was connected with the family by marriage. (Lady Clinton-Baker also informed me that when her son decided to sell Bayfordbury in 1946, a well known bookseller from London was asked to go through the books and papers—the good ones were sold at Christies, and those which were sold at Hertford, amongst them the charter, were really the ones rejected by the London bookseller).

The first possibility suggested by this information was that the document had actually been picked up in Carolina by one of the Baker family serving in the Royal Navy off the American coasts, but this was clearly unlikely from the beginning, and seems to be put out of court completely as a theory by the evidence which I shall produce later.

The second possibility, which had to be taken more seriously, was that the document had passed through the hands of Jacob Tonson, and had eventually reached the Baker family through the marriage of Jacob's great niece Mary with Sir William Baker, the builder of Bayfordbury—it was through this connection that the portraits of the member of the Kit-Cat-Club, of which Tonson was Secretary, had reached the Bakers. I had already examined the Report on the Baker documents published by the Historical Manuscripts Commission in 1871 Second Report, pp. 69-72 which contained many references to Tonson's letters and papers at Bayfordbury, but none to the Charter, in spite of the fact that this must have been there at the time. A later report by the same Commission, dated 1946 22nd Report, p. 60, showed how the documents mentioned in the earlier report

had been disposed of, and I was able to examine many of these at the British Museum and, through the kindness of Sir Henry Hake, at the National Portrait Gallery—but none of them provided any evidence of Tonson's connection with the arrival of the charter at Bayfordbury. The firms of Christie and Sotheby allowed me to see catalogues of sales of the Baker property which they had conducted at various times, but none of the items listed appeared to throw any light on the origin of the document in question. Colonel William Le Hardy, the County Archivist of Hertford, was also of great assistance to me in reporting on the Bayfordbury material in his possession, but that, too, afforded no clue. It seemed probable at this state of the enquiry that, although Tonson was the most likely man acquainted with the Bakers to have handled such a document, it would be impossible to find any definite evidence of this.

At this point I decided to go back to the beginning, and see just how far the charter could be traced from the time that it had been drawn up. It seemed to me that the year 1729 was important, for in this year the proprietors of Carolina finally surrendered, for a money payment, their rights over North Carolina—it will be remembered that the Assembly of South Carolina had thrown off the authority of the proprietors ten years earlier. After 1729, therefore, the charter would no longer be valid, and may easily have been disposed of then as of no value, up to that date it had no doubt been in the possession of one of the proprietors. Following up this line, I discovered the following very interesting group of letters in the printed volumes of Colonial Papers dealing with America and the West Indies—the reference to the original letter is given after each one.

4 June 1730. Mr. Popple to Mr. Fane. Whitehall.

Encloses Charter to the Lords Proprietors of Carolina and desires his opinion whether according to that Charter any grant from the Lords Proprietors be valid unless signed by them all, under their Common Seal. (C. O. 5. 400. [British Public Record Office, London.])

9 June 1730. Mr. Fane to the Council of Trade and Plantations.

In reply to 4 June, is of opinion that no grant will be valid unless it is under the hands and seal of all the Proprietors, for the powers given to them are joint, and cannot legally be executed without the express consent of the whole etc. Signed *Fran. Fane.* Endorsed *Recd. Read 9 June 1730.* (C. O. 5. 361. ff. 111, 112)

10 December 1733. Lincoln's Inn

Mr. Attorney General to (? Mr. Popple). Before Mr. Sollicitor and I can give our opinions on the representations of Mr. Smith which you was pleased to send us, we want to be more particularly informed of the authority by which the late Lords Proprietors of North Carolina made the fundamental constitutions therein mentioned etc. likewise whether all the Lords Proprietors have surrendered up their rights, and in whom the power of making laws is now vested etc. Signed *J. Willes.* Endorsed *Recd. Read 11 Dec. 1733.* (C. O. 5. 294. ff. 76, 81).

11 December. Whitehall.

Mr. Popple to Mr. Willes Attorney General. In reply to proceeding, encloses Charter of Carolina, by King Charles II, and the Governors' Commission etc. (C. O. 5. 323. ff. 107, 107 v).

The possibility cannot be ignored that the Charter here referred to was simply a copy, but two points should be borne in mind—first, that the matter was of some importance, upon which the evidence of a copy might not be acceptable, and second, that usually, when a copy of a document is being used, that fact is made clear in the accompanying letter. The probability is, I suggest, that on 11 December 1733 the Charter of Carolina was sent to the Attorney General at Lincoln's Inn, and, as far as one can see, remained unmentioned until its discovery at a small sale in Hertford about 213 years later, among the effects of a family whose connection with Carolina is, to all intents and purposes, non-existent.

But now we come to a very curious fact, that on 22 October 1799 there appears on the Admission Registers of Lincoln's Inn the name of William Baker of Trinity College Cambridge, son of William Baker of Bayfordbury, Hertfordshire, and grandson of Sir William Baker who built Bayfordbury. Before this is dismissed as mere coincidence, it should be remembered that there is nothing else known at present to explain why this particular family should possess this particular document, unless we introduce even more coincidences. We do not *know* that William Baker took the document from Lincoln's Inn, or how he took it, if he did. But we are faced with this interesting series of events—the arrival of the charter at Lincoln's Inn, the arrival of William Baker at the same place, and the discovery of the charter at the seat of the Baker family.

I have visited the library at Lincoln's Inn, and have talked with the librarian, Mr. Hodgkinson, who kindly allowed me

to examine catalogues of the library dating from the beginning of the 18th century. Unfortunately these deal, for the most part, with printed books, and the manuscripts do not appear to have been catalogued with any degree of thoroughness until 1837—and I discovered no reference to our document. In view of the letters quoted above, however, and the absence of a good catalogue of the manuscripts before 1837, this lack of a positive reference need not be taken too seriously. A glance through the Black Books of Lincoln's Inn shows that, although certain members were concerned about the state of the manuscripts, and felt the need of an adequate catalogue, the matter was allowed to drag on year after year without any action being taken. Under these circumstances it would not have been difficult for a young man interested in the collection of old documents to gain possession of the charter quite openly and honestly, especially as it was no longer valid.

Unfortunately, very little is known of this particular William Baker, apart from the information quoted above. He died in 1813, at the early age of 35, and possibly a sudden death may account for the charter's having remained undiscovered for so long a period. We are much in the realm of conjecture here, and further progress towards certainty can only be made by the discovery of more information about William Baker. He is, I feel sure, a vital link in the chain.

While this research was being carried on various means were being considered for securing the necessary funds with which to purchase the charter. Since the legislature was not in session an appropriation for this purpose was out of the question. At the request of the governor and the director of the Department of Archives and History the attorney general of North Carolina considered the legality of allocating money from the Contingency and Emergency Fund for this purpose. His ruling was that such action would not be legal.

After numerous conferences with leading citizens of the state a plan of action was laid. Former Governor J. Melville Broughton wrote personal letters to a number of public-spirited citizens of North Carolina explaining to them the importance of the charter of 1663 in North Carolina history, telling them of the desirability of obtaining it for the state, and requesting from them funds for its purchase.

The following persons and one organization, by their generosity, made it possible for North Carolina to become the seventh —and probably the last—state to acquire its original colonial charter:

Mrs. Elizabeth H. Bahnson	Winston-Salem
George Gordon Battle	New York
Edwin P. Brown	Murfreesboro
Burnham S. Colburn	Asheville
Herman Cone	Greensboro
Mrs. Julius W. Cone	Greensboro
Ralph W. Gardner and the Gardner family	Shelby
Gordon Gray	Winston-Salem
Mrs. James A. Gray	Winston-Salem
Ralph P. Hanes	Winston-Salem
John Sprunt Hill	Durham
Mrs. John A. Kellenberger	Greensboro
K. P. Lewis	Durham
J. Spencer Love	Greensboro
James G. W. MacClamroch	Greensboro
John M. Morehead	New York
Ralph C. Price	Greensboro
W. N. Reynolds	Winston-Salem
Reuben B. Robertson	Canton
William H. Ruffin	Durham
W. H. Woolard	Greenville

The North Carolina Society for the Preservation of Antiquities.

Two circumstances worked together making it possible to obtain the charter at a somewhat lower figure than originally expected. The first asking price was £2,500 or $10,000. Mr. Traylen very graciously reduced this figure to £2,000 provided the charter was purchased by or for the State of North Carolina. Shortly afterwards the devaluation of the British pound sterling in relation to the dollar made possible the purchase of the charter for slightly more than $6,000.

Certificates were obtained from a firm of solicitors in Guildford showing that Mr. Traylen was indeed the owner of the charter and possessed authority to sell it. Next the approval of the purchase of the charter was obtained from the Executive Board of the Department of Archives and History and from the Executive Committee of the State Literary and Historical Association.

A check then was written on October 24, 1949, paying for the Charter. The 1951 General Assembly appropriated funds for a special safe for displaying each of the four pages of the charter. This safe, made by Diebold, Inc., Canton, Ohio, from plans drawn by the Truitt Manufacturing Company, Greensboro, is fireproof and has double doors and a combination lock. Each page of the charter is sandwiched between four double glass panels mounted on roller hinges so that each page can be read in succession without being touched by the reader. An opaque light panel protects the document while the safe is open but not being viewed. There is special artificial lighting inside the safe. The charter is well protected from light, fire, tampering, and "fingering," but the safe can be closed quickly and easily in case of fire or other disaster.

Modern fireproof safe especially constructed for displaying the Charter. Each page is enclosed in a separate frame which swings out so that all four pages may be examined.

An early engraving depicting the return of Charles II to his native land, 1660. One or more of the eight future Proprietors of Carolina is probably among the group surrounding the King since they were active in his behalf.

ORIGIN OF THE CHARTER

THE TERRITORY included in the modern state of North Carolina was first included in a broad and general grant from Queen Elizabeth made in June, 1578, to Sir Humphrey Gilbert. For this authority to lead an expedition to America he agreed to destroy the Spanish fishing fleets, take the West Indies from Spain, seize the gold and silver mines in the Spanish colonies, and make Elizabeth "monarch of the seas." Gilbert on his first trip to America had been rebuffed by the Spanish and he never returned from his second.

On March 24, 1584, Gilbert's grant was renewed in the name of his half-brother, Sir Walter Raleigh, who was given authority to establish colonies and to govern them. Raleigh financed several unsuccessful expeditions to the New World including what is now North Carolina. Among them was the famous "Lost Colony."

In 1606 a charter was granted the Virginia Company of London allowing settlements to be made along a rather narrow strip of the Atlantic seaboard. The region included a part of what is now North Carolina. The first permanent English settlement in America developed at Jamestown, less than fifty miles north of the present North Carolina-Virginia state line.

Before many months had passed the more adventuresome colonists were beginning to explore the countryside around them. In 1609 Captain John Smith sent a soldier with two Indian guides to search for the colonists left by Raleigh. A short while later two other settlers set out on the same mission, but without finding any trace of the colonists. William Strachey, secretary of the colony in 1610 and 1611, recorded what he could learn from the Indians about the territory lying to the south. Not until 1622, however, when John Pory, a later secretary, actually visited the region directly south of Jamestown, do we have any eyewitness account of the Albemarle region, as it came to be called, of North Carolina.

In 1624 the Virginia Company's charter was revoked and the colony came into the hands of the Crown. On October 30, 1629,

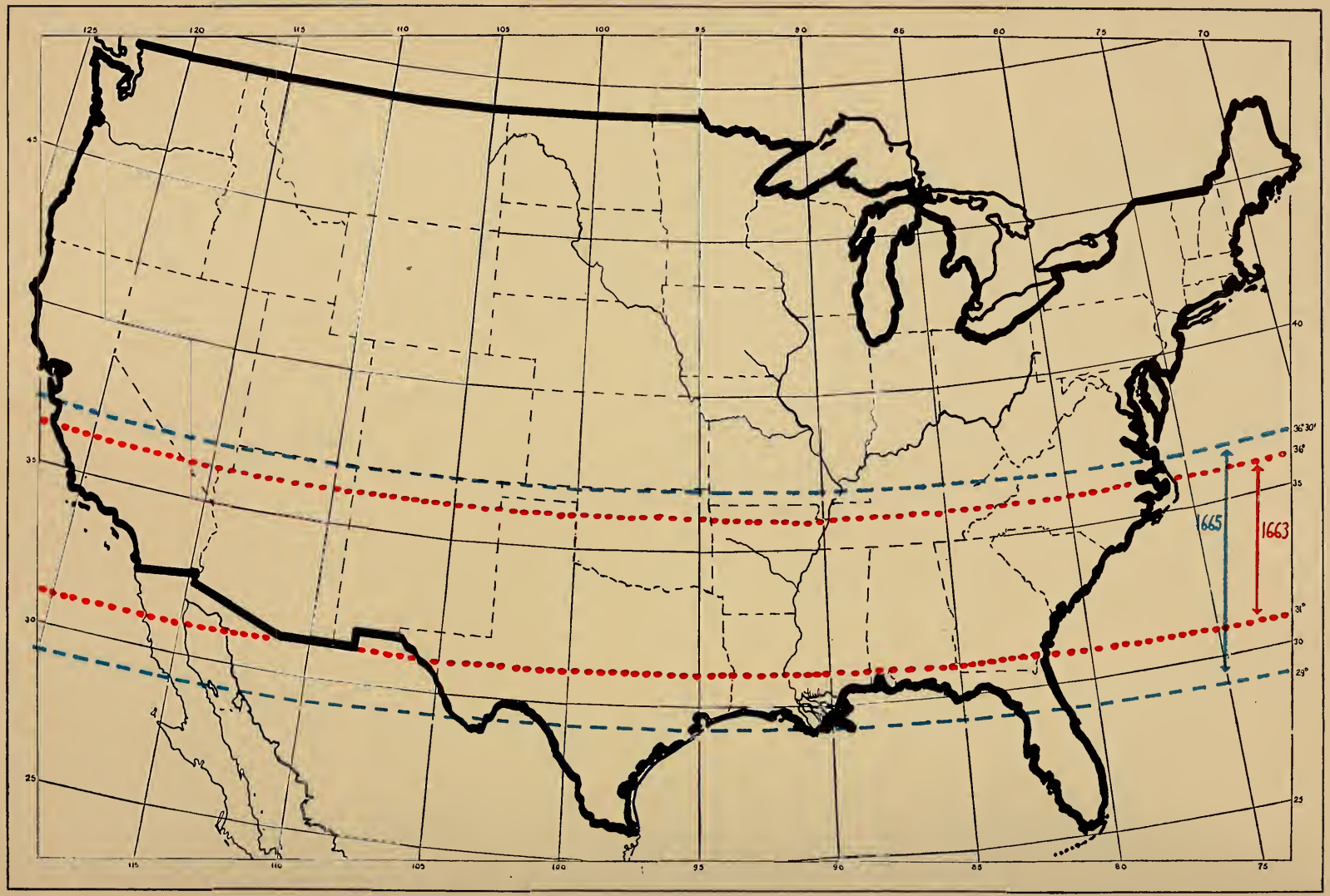
the King, Charles I, conveyed to his attorney-general, Sir Robert Heath, the region south of Virginia, between 31° and 36° north latitude. This territory was given to Heath "To have exercise use & enjoy in like manner as any Bishop of Durham within the Bishopric or County palatine of Durham in our kingdome of England ever heretofore had held used or enjoyed or of right ought or could have hold use or enjoy."

While Heath held title to Carolina, as the region was called for the first time, no organized attempts were made to settle it. A number of explorations were made, however, and several very interesting reports on these voyages appeared in print.

Although when he received his Carolina grant, Heath was "about to lead thither a Colonye of men large & plentifull," he failed to carry through and finally abandoned his intentions and assigned his charter to Henry Lord Maltravers who seems to have made at least one unsuccessful effort "in seating Carolina." But where officials were failing, private citizens were succeeding. In 1648 several Virginians who had been in Carolina while on an expedition to subdue the Indians, probably following the horrible massacres of the colonists in and around Jamestown, purchased large tracts of land along the Chowan River from the Indians.

The first clear evidence of a settlement in the Albemarle region is seen in the grant made in 1653 to Roger Green, the clergyman who ministered to the inhabitants of Nansemond, Virginia, for 10,000 acres for the first hundred persons to settle south of the Chowan River. As a special reward for his efforts, Green was to be allowed 1,000 acres for himself to be located "next to those persons who have had a former grant." This phrase, historians have long contended, is clear evidence that a settlement existed in Carolina as early as 1653.

A steady stream of colonists appears to have flowed into this new settlement. A number of persons purchased land from the Indians and the oldest grant for land now extant in North Carolina is for one of these transfers. It is recorded in Book A of the deeds of Perquimans County and bears the date March 1, 1661 [1662].



Carolina as granted by King Charles II to the Lords Proprietors. The area included in the 1663 Charter is shown between the red lines. That included in the 1665 Charter is between the blue lines.

Such a flourishing and promising settlement seems not to have escaped the notice of prominent men in England in spite of their having so recently been in exile during the Cromwells' Commonwealth and now of their preoccupancy with the restoration of the monarchy. Indeed, these events loom large in the affairs of Carolina, though the struggling settler knew little or nothing of them. It was to reward a group of his most faithful followers and advocates that the newly crowned Charles II revoked his father's grant to Sir Robert Heath—after all, Heath had not made good his intentions to settle the country. The King then, in 1663, granted anew this territory to Edward Hyde, Earl of Clarendon, Lord High Chancellor of England; George Monck, Duke of Albemarle, Master of the King's Horse and Captain-General of all his forces; William Lord Craven, an old friend of his father's who had zealously and ably supported the royal family; John Lord Berkeley, who had defended the Crown in the rebellion and joined the royal family in exile; Anthony Ashley Cooper, Chancellor of the Exchequer and afterward the Earl of Shaftesbury; Sir George Carteret, Vice-Chamberlain of the King's household; Sir William Berkeley, governor of Virginia who induced the colony to adhere to Charles II as their sovereign even while he was in exile; and Sir John Colleton, who had maintained the royal cause in Barbados.

This grant of 1663 included the area between 31° and 36° north latitude (as had Heath's grant)—a territory extending roughly from the modern Georgia-Florida boundary northward to the middle of Albemarle Sound and from the Atlantic westward to the "South Seas," some vague place in the west then not fully comprehended, since no Englishman had ever gone very far inland from the Atlantic and American geography was not clear even to the best European mapmaker.

It did not take long for the eight eager Lords Proprietors, as they were designated, to discover that the richest jewel of their new domain of Carolina actually was not in their domain at all. The settlements already made in the Albemarle region lay for the most part just a few miles north of the line marking the limit of the territory granted to them. In 1665, then, the Lords Proprietors used their good offices to secure a larger territory.

A second charter with no important differences from the first, save in extending the territory one-half degree to the north and two degrees to the south, was issued.

Provisions were made in the charter of 1663 giving the Proprietors power to plant colonies within their grant, to create and fill offices, to erect counties and other administrative divisions, to incorporate ports of entry, towns, and cities, to establish courts of justice, to commute punishments and pardon offenses, to collect customs, fees, and taxes, to have the advowsons of churches, to grant titles of honor provided they were not the same as those in use in England, to raise and maintain a militia, to commission officers, to build forts, put down and punish rebellion, declare martial law, and wage war by land and sea.

As these were very broad powers granted the Proprietors, so the rights of the people were set forth. They had then and they continued to have—or claimed to have right on to the Revolution—the common rights of Englishmen. The people were given the right of consenting to laws, of exporting and importing commodities on the same footing with Englishmen, and of not being tried for crime in another colony than Carolina. They were guaranteed the English personal and property rights, liberty of conscience, although provisions were made for the establishment of the Church, and the privileges of liege subjects of the English Crown and entitled to all "liberties, franchises, and privileges" enjoyed by the King's subjects actually resident in England.

The Proprietors, with the exception of Berkeley in Virginia and perhaps Colleton who had been in Barbados, had slight conception of the colonial territory over which they held such power. It may be that by sheer numbers—*eight* Proprietors—the problem was magnified. At any rate, confusion reigned in Carolina more or less continually so long as the Proprietors remained in charge.

Plan followed plan and one scheme of government after another failed. For fifty years the inhabitants knew their government was not stable.

One grand plan stands out, however, and although many of its features were feudal in character, some of its provisions

Copper halfpenny issued in 1694 for circulation in Carolina. Coins very much like this were also issued in the same year for New England and for London. The elephant was considered to be symbolic of the New World. The Hall of History, Raleigh, owns one of these Carolina halfpence which formerly was in the collection of King Alphonso XIII of Spain.

Courtesy National Portrait Gallery, London

John Locke (1632-1704), author of the Fundamental Constitutions drawn up for Carolina under the direction of the Earl of Shaftesbury and adopted by the Proprietors on July 21, 1669.

later came to be accepted as basic principles of American freedom. This system was based on the Fundamental Constitutions drawn up by the English philosopher, John Locke, and adopted by the Lords Proprietors on July 21, 1669.

This scheme was designed to serve a landed aristocratic government, and set forth many orders of rank and various rights and privileges which were most impractical and probably in themselves were responsible for the final failure of the system. But with these shortcomings the Fundamental Constitutions gave the Englishmen in Carolina very broad rights and freedoms. An adequate system of local courts was established with a guarantee of trial by jury. The English system of town government by council, alderman, and mayor was introduced. Certain definite but not oppressive qualifications were set up for jurymen, voters, and officeholders. Absolute toleration of all religious bodies was guaranteed. The Proprietors gave the colonists the right to elect their own representatives, made provision for them to meet every two years, and saw that representation was fairly apportioned among the population. Provisions were made for the registration of births, marriages, and deaths and for recording land titles.

Many of these ideas were considered so liberal in England as to be almost radical, but in Carolina they provided nothing more than was expected by the pioneer who ventured his very life to settle in a wilderness. In accordance with their *own* ideas the Proprietors began to put this machinery for government into force. The governor was instructed to observe of the Fundamental Constitutions "what can at present be put into practice."

All in all proprietary rule in Carolina was not satisfactory. An unsuccessful effort was made as early as 1686 to transfer the colony to the Crown. British officials and agents for the next forty years agitated for royal control of all proprietary colonies. The Proprietors were accused of failing to enforce certain English laws designed to keep the colonies subservient to the mother country and of allowing other laws to be passed in the colonies which were in conflict with English laws. Piracy and smuggling flourished, it was said. The currency had become almost worthless, manufacturing was flourishing to compete with English

industry, and American defenses were neglected. It was a dark picture painted of the Proprietors, so in January, 1728, several of the Lords Proprietors of Carolina drew up an offer to surrender their interests. An agreement was reached and all save Carteret, now the Earl of Granville, sold out to the Crown and Carolina became a royal colony.

THE CHARTER OF CAROLINA

1663

EXPLANATORY NOTE

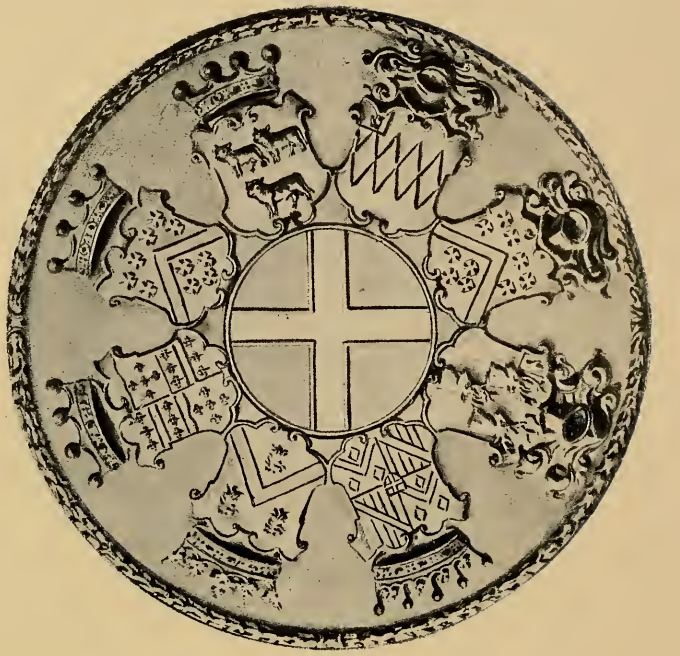
In the seventeenth century, at the time of the granting of the charter, rules for spelling and punctuation were far from what they are today. Each writer either made his own rules or followed no rules as his fancy dictated. Often from the spelling of a word we can arrive at a fairly accurate determination of its seventeenth-century pronunciation. For this reason—and to preserve some of its original "flavor"— we have followed the original spelling and punctuation in so far as possible in printing this copy of the charter. A few words of explanation, however, will make the reading of this document much simpler.

The letters *I* and *J* were used interchangeably for the most part, but *j* almost never was used. Instead, *i* was employed as in *inioy* for *enjoy* and, as in this example, *i* and *e* were also used indiscriminately or, if the writer were spelling as he pronounced, the initial *i* might indicate something of the pronunciation. The long *s* (ſ) which was fairly common even as recently as a century ago and was not unknown in the handwriting of older people less than fifty years ago, appears frequently in the text of the charter. As the initial letter of a word, *v* was generally used instead of *u*, but sometimes both letters appear in one word as in *vſual* (*usual*). The letter *F* seems to have been unknown and *ff* was used instead to indicate the capital letter. Letters which now seem unnecessary frequently appear as in *graunt*, *wee*, *shippe*, etc.

A number of abbreviations or shorthand-type symbols appear throughout the original charter. In this printed copy, however, it was deemed inadvisable to try to reproduce them since modern fonts of type do not have these symbols. With one exception all of these have been expanded and the word spelled in full. The one exception, and one which we hope will not prove difficult but instead help give something of the feeling of reading the original, is the tilde-like sign which indicates the omission of a letter as in *motõn* for *motion*.

In a few cases obsolete or uncommon words appear in the text of the charter. The meanings of several of these are given at the foot of the page on which they appear.

[Obverse]



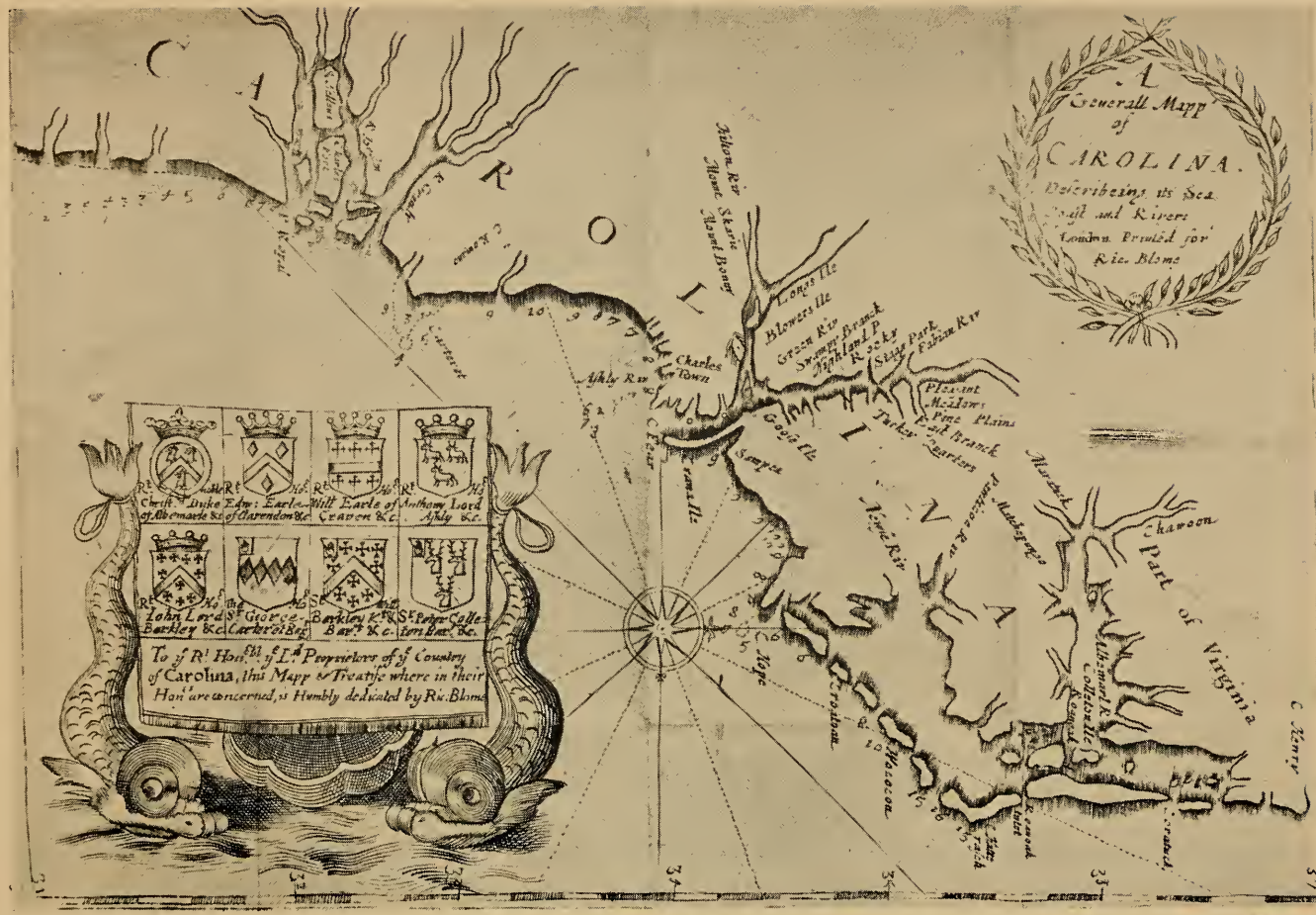
[Reverse]

Seal of the Lords Proprietors

Charles the Second, By the grace of God King of England Scotland ffrance and Ireland defender of the ffaith **To All** to whom theſe preſentes shall come Greeting

Whereas our right truſty and right welbeloved Cozens and Councellors Edward Earle of Clarendon our high Chancellor of England and George Duke of Albemarle Maſter of our horſe and Captaine Generall of all our fforces Our right truſty and welbeloved William Lord Craven John Lord Berkeley Our right truſty and welbeloved Councellor Anthony Lord Aſhley Chancellor of our Exchequer Sir George Carterett Knight and Baronett Vice Chamberlaine of our houſehold And our truſty and welbeloved Sir William Berkley Knight and Sir John Colleton Knight and Baronett being excited with a laudable and pious zeale for the propagation of the Chriſtian ffaith and the inlargment of our Empire and Dominions **have** humbly beſought leave of vs by their induſtrie and Charge to Tranſport and make an ample Colonie of our Subiectes Natives of our Kingdome of England and elſe where within our Dominions vnto a certaine Country hereafter diſcribed in the partes of **America** not yett cultivated or planted and only inhabited by some barbarous People whoe have noe Knowledge of Almighty God **And Whereas** the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton have humbly beſought vs to give grant and Confirme vnto them and their heires the said Countrey with Priviledges and Juriſdictõns requiſite for the good Government and safety thereof **Know Yee** therefore that Wee favouring the pious and noble purpoſe of the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton Of our eſpeciall grace certaine knowledge and meere motõn **have** given graunted and Confirmed **And** by this our preſent Charter for vs our heires and Succeſſors **Doe** give graunt and Confirme vnto the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes **All** that Territory or Tract of ground scituate lyeing and being within our Dominions in America extending from the Northend of the Iſland called Luck

Iſland which lyeth in the Southerne Virginia Seas and within six and Thirtie Degrees of the Northerne Latitude and to the Weſt as farr as the South Seas and soe Southerly as farr as the River Saint Mathias which bordereth vpon the Coaſt of fflorida and within one and Thirty Degrees of Northern Latitude and Weſt in a direct lyne as farr as the South Seas aforeſaid Together with all and singuler Portes Harbors Bayes Rivers Iſles and Iſlettes belonging vnto the Countrey aforeſaid And alſoe all the Soyle Landes ffeildes Woodes Mountaines ffermes Lakes Rivers Bayes and Iſlettes scituate or beinge within the Boundes or lymittes aforeſaid with the ffiſhing of all sortes of ffiſh Whales Sturgeons and all other Royall ffiſhes in the Sea Bayes Iſlettes and Rivers within the premiſſes and the ffiſh therein taken **And** moreover all Veines Mynes and Quarries aſwell diſcovered as not diſcovered of Gold Silver Gemms and pretious Stones and all other whatſoever bee itt of Stones Mettalles or any other thinge whatſoever found or to bee found within the Country Iſles and lymittes aforeſaid **And furthermore** the Patronage and Advowſons of all the Churches and Chappelles which as Chriſtian Religion shall increaſe within the Country Iſles Iſlettes and Lymittes aforeſaid shall happen hereafter to bee erected Together with lycence and power to Build and found Churches Chappelles and Oratories in convenient and fitt places within the said Boundes and Lymittes and to cauſe them to bee Dedicated and Conſecrated according to the Eccleſiaſticall Lawes of our Kingdome of England Together with all and singuler the like and as ample rightes Juriſdictõns Priviledges Prerogatives Royalties Liberties Imunities and ffranchiſes of what kind soever within the Country Iſles Iſlettes and Lymittes aforeſaid **To have** vſe exerciſe and enioy and in as ample manner as any Biſhopp of Durham in our Kingdome of England ever heretofore have held vſed or enioyed or of right ought or could have vſe or enioy **And** them the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires aſſignes **Wee doe** by theſe preſentes for vs our heires and Succeſſors make Create and Conſtitute the true and abſolute Lordes and Proprietaries of the Country aforeſaid and of all other the premiſſes **Saveing** allwayes the ffaith Allegiance and Soveraigne Dominion due to vs our heires and Succeſſors for the same and Saveing alſoe the right tytle and intereſt of all and



"A Generall Mapp of CAROLINA. Describeing its Sea Coast and Rivers," made about 1672 by Richard Blome for the Proprietors. The original is in the British Museum. Note the arms of the eight Proprietors.

every our Subiectes of the Engliſh Nation which are now Planted within the lymittes and boundes aforeſaid if any bee **To have hold** poſſeſſe and enioy the said Country Iſles Iſlettes and all and singuler other the premiſſes to them the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes forever **To bee holden** of vs our heires and Succeſſors as of our Mannor of Eaſtgreenewich in our County of Kent in ffree and Coñon Soccage and not in Capite* nor by Knightes Service **Yeildinge and payinge** yearely to vs our heires and Succeſſors for the same the yearely Rent of Twenty Markes of Lawfull money of England att the ffeaſt of All Saintes yearely for ever The ffirſt payment thereof to begynn and bee made on the ffeaſt of All Saintes which shall bee in the yeare of our Lord One thouſand six hundred Sixty and five **And** alſoe the fourth part of all Gold and Silver Oare which within the lymittes aforeſaid shall from tyme to tyme happen to bee found And that the Country thus by vs graunted and diſcribed may bee dignified with as large Tytles and Priviledges as any other partes of our Dominions and Territories in that Region **Know yee** that Wee of our further grace certaine knowledge and meere motõn **have** thought fitt to Erect the same Tractt of Ground Country and Iſland into a Province and out of the fullneſſe of our Royall power and Prerogative **Wee doe** for vs our heires and Succeſſors Erect Incorporate and Ordaine the same into a Province and out of the fullneſſe of our Royall power and Prerogative **Wee doe** for vs our heires and Succeſſors Erect Incorporate and Ordaine the same into a Province and doe call it the Province of **Carolina** and soe from henceforth will have it called **And foraſmuch** as wee have hereby made and Ordeyned the aforeſaid Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes the true Lordes and Proprietors of all the Province aforeſaid **Know yee** therefore moreover that Wee repoſeinge eſpeciall Truſt and Confidence in their fidelity Wiſdome Juſtice and provident circumſpectõn for vs our heires and succeſſors Doe

* *Capite:* The name of a tenure by which land was held immediately of the King or of the Crown.

Graunt full and abſolute power by vertue of theſe preſentes to them the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir Colleton and their heires for the good and happy Government of the said Province to Ordeyne make Enact and vnder their Seales to publiſh any Lawes whatſoever either appertaineinge to the publique State of the said Province or to the private vtility of perticuler Perſons accordinge to their beſt diſcretion of and with the advice aſſent and approbatõn of the ffreemen of the said Province or of the greater part of them or of their Delegates or Deputies whom for enacting of the said Lawes when and as often as need shall require **Wee** Will that the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton and their heires shall from tyme to tyme aſſemble in such manner and form as to them shall seeme beſt And the same Lawes duely to execute vpon all people within the said Province and Lymittes thereof for the tyme beinge or which shall bee Conſtituted vnder the power and Government of them or any of them either Sayleing towardes the said Province of **Carolina** or returneinge from thence towardes England or any other of our or forreigne Dominions by Impoſitõn of penalties Imprisonment or any other puniſhment **Yea** if itt shall bee needfull and the quality of the Offence require itt by takeing away member and life either by them the said Edward Earle of Clarindon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton and their heires or by them or their Deputies Leiftennant Judges Juſtices Magiſtrates Officers and Miniſters to bee Ordayned or appointed accordinge to the tenor and true intention of theſe preſentes And likewiſe to appoint and eſtabliſh any Judges or Juſtices Magiſtrates or Officers whatſoever within the said Province att Sea or land in such manner and forme as vnto the said Edward Earle of Clarindon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton or their heires shall seeme moſt convenient Alſoe to remitt releaſe pardon and aboliſh whither before Judgment or after all Crimes and Offences whatſoever againſt the said Lawes and to doe all

and every other thinge and thinges which vnto the Compleat eſtablifhment of Justice vnto Courtes Seſſions and formes of Judicature and manners of proceeding therein doe belong although in theſe preſentes expreſſe mentõn bee not made thereof And by Judges by him or them delegated to award proceſſe hold Pleas and determine in all the said Courtes and Places of Judicature all Actions Suites and Cauſes whatſoever aſwell Criminall as Civill reall mixt perſonall or of any other kind or nature whatſoever Which laws Soe as aforeſaid to bee publiſhed **Our Pleaſure is** and Wee doe enioyne require and Coñand shall bee abſolute firme and avayleable in lawe And that all the leidge People of vs our heires and Succeſſors within the said Province of **Carolina** doe obſerve and Keepe the same inviolably in thoſe partes soe farr as they concerne them vnder the paines and penalties therein expreſſed or to bee expreſſed **Provided** nevertheleſſe that the said lawes bee conſonant to reaſon and as neare as may bee conveniently agreeable to the lawes and Cuſtomes of this our Kingdome of England **And** becauſe such aſſemblyes of ffreeholders cannott bee soe suddainely called as there may bee occaſion to require the same **Wee doe** therefore by theſe preſentes give and Graunt vnto the said Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes by themſelves or their Magiſtrates in that behalfe lawfully authoriſed full power and authority from tyme to tyme to make and Ordeyne fitt and wholeſome Orders and Ordinances within the Province aforeſaid to bee kept and obſerved aſwell for the keeping of the Peace as for the better Government of the People there abideing and to publiſh the same to all to whome itt may concerne **Whiche** Ordinances Wee doe by theſe preſents streightly Charge and Coñand to bee inviolably obſerved within the said Province vnder the penalties therein expreſſed Soe as such Ordinances bee reaſonable and not repugnant or contrary but as neare as may bee agreeable to the lawes and Statutes of this our Kingdome of England And soe as the same Ordinances doe not extend to the binding charging or takeing away of the right or interest of any Perſon or Perſons in their freehold goodes or Chattelles whatſoever **And** to the end the said Province may bee the more happily increaſed by the multitude of People reſorting thither and may likewiſe bee the more strongly de-

fended from the incurſions of Salvages and other Enymies Pirates and Robbers **Therefore** Wee for vs our heires and Succeſſors Doe give and Graunt by theſe preſentes Power lycence and liberty vnto all the leige people of vs our heires and Succeſſors in our Kingdome of England or elſe where within any other our Dominions Iſlands Colonies or Plantatõns Excepting thoſe whoe shall be eſpecially forbidden to tranſport themſelves and ffamilyes vnto the said Province with convenient Shipping and fitting Proviſions and there to settle themſelves dwell and inhabite any lawe Act Statute Ordinance or other thinge to the contrary in any wiſe notwithſtandinge **And Wee Will** alſoe and of our more eſpeciall grace for vs our heires and Succeſſors doe streightly enioyne Ordaine Conſtitute and Coñaund that the said Province of Carolina shall bee of our Allegiance And that all and singuler the Subiectes and leidge people of vs our heires and Succeſſors tranſported or to bee tranſported into the said Province and the Children of them and of such as shall deſcend from them there borne or hereafter to bee borne bee and shall bee Denizens and leiges of vs our heires and Succeſſors of this our Kingdome of England and bee in all thinges held treated and reputed as the leige faithful people of vs our heires and Succeſſors borne within this our said Kingdome or any other of our Dominions and may inherit or otherwiſe Purchaſe and receive take have hold buy and poſſeſſe any landes Tenementes or hereditamentes within the same Places and them may Occupie and enioye give sell alien and bequeath as likewiſe all liberties ffranchiſes and Priviledges of this our Kingdome of England and of other our Dominions aforeſaid may freely and quietly have poſſeſſe and enioye as our leige people borne within the same without the lett moleſtatõn vexatõn trouble or greivance of vs our heires and Succeſſors any Statute Act Ordinance or Proviſion to the contrary notwithſtanding **And furthermore** that our Subiectes of this our said Kingdome of England and other our Dominions may bee the rather incouraged to vndertake this Expeditõn with ready and chearefull myndes **Know yee** that Wee of our eſpeciall grace certaine knowledge and meere motõn **Doe** give and Graunt by virtue of theſe preſentes aſwell to the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton and their heires as vnto all others as shall from tyme to tyme repaire

vnto the said Province with a purpoſe to inhabite there or to trade with the Natives of the said Province full liberty and Lycence to lade and freight in any Portes whatſoever of vs our heires and Succeſſors **And** into the said Province of Carolina by them their Servantes or Aſſignes to Tranſport all and singuler their goodes Wares and Merchandizes as likewiſe all sortes of graine whatſoever and any other thinges whatſoever neceſſary for the food and Cloathinge not prohibited by the lawes and Statutes of our Kingdomes and Dominions to bee Carryed out of the same without any lett or moleſtatõn of vs our heires and Succeſſors or of any other our Officers and Miniſters whatſoever Saveing alſoe to vs our heires and Succeſſors the Cuſtomes and other duties and payments due for the said Wares and Merchandizes accordinge to the severall rates of the Places from whence the same shall be tranſported **Wee Will** alſoe and by theſe preſentes for vs our heires and Succeſſors **Doe** give and Graunt Lycence by this our Charter vnto the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes and to all the Inhabitantes and Dwellers in the Province aforeſaid both preſent and to come full power and abſolute authority to Import or vnlade by themſelves or their Servantes ffactors or Aſſignes all Merchandizes and goodes whatſoever that shall ariſe of the fruites and Coñodities of the said Province either by land or Sea into any the Portes of vs our heires and Succeſſors in our Kingdome of England Scotland or Ireland or otherwiſe to diſpoſe of the said goodes in the said Portes and if need bee within one yeare next after the vnladeing to lade the said Merchandizes and goodes againe into the same or other Shipps and to Export the same into any other Countryes either of our Dominions or forreigne being in amity with vs our heires and Succeſſors Soe as they pay such Cuſtomes Subſedies and other duties for the same to vs our heires and Succeſſors as the rest of our Subiectes of this our Kingdome for the tyme being shall bee bound to pay beyond which Wee will not that the inhabitantes of the said Province of Carolina shall bee any way charged **Provided** nevertheleſſe and our Will and pleaſure is and Wee have further for the Conſideratõns aforeſaid of our more eſpeciall grace certaine knowledge and meere motõn given and Graunted and by theſe preſentes for vs our heires and Succeſſors Doe give

and graunt vnto the said Edward Earle of Clarindon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes full and free lycence liberty and authority att any tyme or tymes from and after the ffeaſt of Saint Michaell Tharchangell which shall bee in the yeare of our Lord Christ One thouſand six hundred Sixty and Seaven aſwell to Import and bringe into any of our Dominions from the said Province of Carolina or any part thereof the severall goodes and Coñodities herein after mentõned That is to Say Silkes Wynes Currantes Raiſons Capers Wax Almondes Oyle and Olives without paying or Anſweareing to vs our heires or Succeſſors any Custome Impoſt or other duty for or in reſpect thereof for and dureing the terme and space of Seaven yeares to comence and bee accounted from and after the ffirſt Importatõn of foure Tonnes of any the said goodes in any one Bottome Shipp or Veſſell from the said Province into any of our Dominions as alſoe to export and carry out of any of our Dominions into the said Province of Carolina Cuſtome free all sortes of Tooles which shall bee vſefull or neceſſary for the Planters there in the accõmodatõn and Improvement of the premiſſes any thing before in theſe preſentes conteyned or any Lawe Act Statute Prohibitõn or other matter or thinge heretofore had made Enacted or provided or hereafter to bee had made Enacted or Provided to the contrary in any wiſe notwithſtanding **And furthermore** of our more ample and eſpeciall grace certaine knowledge and meere motõn **Wee doe** for vs our heires and Succeſſors Graunt vnto the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes full and abſolute power and authority to Make Erect and Conſtitute within the said Province of **Carolina** and the Iſles and Iſlettes aforeſaid such and soe many Seaportes harbours Creeks and other Places for diſcharge and vnladeing of goodes and Merchandizes out of Shippes Boates and other Veſſelles and for ladeing of them in such and soe many Places and with such Juriſdictõns Priviledges Juriſdictõns and ffranchiſes vnto the said Portes belonginge as to them shall seeme most expedient **And** that all and singuler the Shipps Boates and other Veſſelles which shall come for Merchandize and Trade into the said Province or shall depart out of the same shall bee

laden and vnladen at such Portes only as shall bee erected and Conſtituted by the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes and not elſe where any Vſe Cuſtome or any thinge to the contrary in any wiſe notwithſtanding **And Wee doe** furthermore Will appoint and Ordeyne and by these preſentes for vs our heires and Succeſſors doe Graunt vnto the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes That they the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes may from tyme to tyme forever have and enioy the Cuſtomes and Subſedies in the Portes Harbours Creekes and other Places within the Province aforeſaid payable for goodes Merchandizes and Wares there laded or to bee laded or vnladed the said Cuſtomes to bee reaſonably Aſſeſſed vpon any occaſion by themſelves and by and with the Conſent of the free people there or the greater part of them as aforeſaid to whome Wee give power by theſe preſentes for vs our heires and Succeſſors vpon iust Cauſe and in a due proportõn to Aſſeſſ and Impoſe the same **And further** of our eſpeciall grace certaine knowledge and meere motõn **Wee have** given Graunted and Confirmed and by theſe preſentes for vs our heires and Succeſſors **Doe** give Graunt and Confirme vnto the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes full and abſolute lycence power and authority that the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes from tyme to tyme hereafter forever att his and their will and pleaſure may Aſſigne Alien Graunt Demiſe or enfeoffe* the premiſſes or any part or parcelles thereof to him or them that shall bee willinge to purchaſe the same and to

* *enfoeffe:* To put a person in possession of the fee-simple or fee-tail of lands.

such Perſon or Perſons as they shall thinke fitt **To have and to hold** to them the said Perſon or Perſons their heires and Aſſignes in ffee simple or ffee tayle or for terme of life or lives or yeares to bee held of them the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes by such Rentes Services and Cuſtomes as shall seeme meete to the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes and not ymediatly of vs our heires and Succeſſors And to the same Perſon and Perſons And to all and every of them **Wee doe** give and Graunt by theſe preſentes for vs our heires and Succeſſors Lycence authority and power That such Perſon or Perſons may have or take the premiſſes or any parcell thereof of the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes and the same to hold to themſelves their heires or Aſſignes in what eſtate of Inheritance soever in ffee simple or ffee tayle or otherwiſe as to them and the said Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes shall seeme expedient The Statute made in the Parliament of Edward Sonne of King Henry heretofore King of England our Predeceſſor comõnly called the Statute of Quia Emptores Terrarum or any other Statute Act Ordinance vſe Lawe Cuſtome or any other matter Cauſe or thing heretofore publiſhed or provided to the contrary in any wiſe notwithſtanding **And** becauſe many Perſons borne or inhabiting in the said Province for their deſertes and Services may expect and bee capable of Markes of Honor and favour which in reſpect of the great diſtance cannot conveniently bee Conferred by vs **Our Will And Pleaſure** therefore is and Wee doe by these preſentes Give and Graunt vnto the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their Heires and Aſſignes full Power and Authority to give and Conferr vnto and vpon such of the Inhabitantes of

the said Province as they shall thinke doe or shall meritt the same such markes of favour and titles of honour as they shall thinke fitt soe as thoſe Titles or honours bee not the same as are enioyed by or Conferred vpon any the Subiectes of this our Kingdome of England **And further** alſoe Wee doe by theſe preſentes for vs our heires and suceſſors give and grant lycence to them the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes full power liberty and lycence to Erect raiſe and build within the said Province and Places aforeſaid or any part or partes thereof such and soe many ffortes ffortreſſes Caſtles Cittyes Burroughs Townes Villages and other ffortificatõns whatſoever And the same or any of them to ffortifie and furniſh with Ordnance Powder Shott Armour and all other Weapons Amunitõn and Habilimentes of Warr both offenſive and defenſive as shall bee thought fitt and convenient for the safty and welfare of the said Province and Places or any part thereof And the Same or any of them from tyme to tyme as occaſion shall requie to diſmantle diſſurnish demoliſh and pull downe and Alſoe to place Conſtitute and appoint in or over all or any of the Caſtles ffortes ffortificatõns Cittyes Townes and Places aforesaid Governors Deputy Governors Magiſtrates Sheriffes and other Officers Civill and Military as to them shall seeme meete **And** to the said Citties Burroughs Towne Villages or any other Place or Places within the said Province to grant Letters or Charters of Incorporatõn withall Liberties ffranchiſes and Priviledges requiſite and vsuall or to or within any Corporatõns within this our Kingdome of England granted or belonging And in the same Citties Burroughes Townes and other Places to Conſtitute Erect and appoint such and soe many Markettes Martes and ffaires as shall in that behalfe bee thought fitt and neceſſary **And** further alſoe to Erect and make in the Province aforeſaid or any part thereof soe many Mannors as to them shall seeme meete and convenient and in every of the same Mannors to have and to hold a Court Baron with all thinges whatſoever which to a Court Baron doe belong And to have and to hold veiwes of ffrankpledge* and Courtes Leete for the Conſervatõn of the

* *frankpledge:* The system by which every member of a group was answerable for the good conduct of, or the damage done by, any one of the other members.

Peace and better Governement of thoſe partes within such Lymittes Jurisdictõn and Precinctes as by the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton or their heires shall bee appointed for that purpoſe with all thinges whatſoever which to a Court Leete or veiw of ffrankpledge doe belong the same Courtes to bee holden by Stewardes to bee Deputed and authorized by the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton or their heires or by the Lordes of other Mannors and Leetes for the tyme being when the same shall bee Erected And becauſe that in soe remote a Country and scituate among soe many barbarous Nations the Invaſions aſwell of Salvages as other Enemyes Pirates and Robbers may probably bee feared **Therefore Wee Have** given and for vs our heires and Succeſſors **Doe** give power by theſe preſentes vnto the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes by themſelves or their Captaines or other their Officers to Leavy Muſter and Trayne all sortes of men of what Conditõn or whereſoever borne in the said Province for the tyme being and to make Warre and purſue the Enemyes aforeſaid aſwell by Sea as by land yea even without the lymittes of the said Province and by Godes aſſiſtance to vanquiſh and take them and being taken to putt them to death by the law of warr or to save them att their pleaſure and to doe all and every other thing which vnto the Charge and Office of a Captaine Generall of an Armey belongeth or hath accuſtomed to belong as fully and freely as any Captaine Generall of an Army hath ever had the same **Alſoe** our Will and pleaſure is and by this our Charter **Wee doe** give vnto the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes full power liberty and authority in caſe of rebellion tumult or Sedition if any should happen which God forbid either vpon the land within the Province aforeſaid or vpon the mayne Sea in makeing a Voyage thither or returning from thence by him and themſelves their Captaines

Deputies or Officers to bee authorized vnder his or their Seales for that purpoſe to whom alſoe for vs our heires and Succeſſors **Wee doe** give and Graunt by theis preſentes full power and authority to exerciſe Martiall lawe againſt mutinous and seditious Perſons of thoſe partes such as shall refuſe to submitt themſelves to their Government or shall refuſe to serve in the Warrs or shall fly to the Enemy or forſake their Coullers or Enſignes or bee loyterers or Straglers or otherwiſe howſoever offending againſt law Cuſtome or Diſcipline Military as freely and in as ample manner and forme as any Captaine Generall of an Army by vertue of his Office might or hath accuſtomed to vſe the same **And** Our further pleaſure is and by theis preſentes for vs our heires and Succeſſors **Wee doe** Graunt vnto the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes and to the Tennantes and Inhabitantes of the said Province of Carolina both preſent and to come and to every of them that the said Province and the Tennantes and Inhabitantes thereof shall not from henceforth bee held or reputed a Member or part of any colony whatſoever in America or elſe where now tranſported or made or hereafter to bee tranſported or made nor shall bee depending on or subiect to their Government in any thing but bee abſolutely seperated and devided from the same **And Our** pleaſure is by theſe preſentes that they bee Seperated and that they bee subiect ymediately to our Crowne of England as depending thereof forever And that the Inhabitantes of the said Province nor any or them shall att any tyme hereafter bee compelled or compellable or bee any wayes subiect or lyable to appeare or Anſweare to any matter Suite Cauſe or Plaint whatſoever out of the Province aforeſaid in any other of our Iſlands Colonies or Dominions in America or elſe where other then in our Realme of England and Dominion of Wales **And** becauſe itt may happen that some of the People and Inhabitantes of the said Province cannott in their private opinions Conforme to the Publique Exerciſe of Religion according to the Liturgy formes and Ceremonies of the Church of England or take or subſcribe the Oathes and Articles made and Eſtabliſhed in that behalfe **And** for that the same by reaſon of the remote diſtances of thoſe Places Will as Wee hope bee noe breach of the vnity and vniformity eſtablished in this Nation **Our Will**

and pleaſure therefore is **And Wee Doe** by theſe preſentes for vs our heires and Succeſſors Give and Graunt vnto the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſignes full and free Lycence liberty and Authority by such legall wayes and meanes as they shall thinke fitt to give and grant vnto such Perſon and Perſons inhabiting and being within the said Province or any part thereof Who really in their Judgmentes and for Conſcience sake cannott or shall not Conforme to the said Liturgy and Ceremonies and take and Subſcribe the Oathes and Articles aforeſaid or any of them such Indulgencies and Diſpenſatõns in that behalfe for and during such tyme and tymes and with such lymittatõns and reſtrictõns as they the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires or Aſſignes shall in their diſcrectõns thinke fitt and reaſonable **And** with this expreſſ Proviſoe and lymittatõn alſoe that such Perſon and Perſons to whome such Indulgencies or Diſpenſatõns shall bee granted as aforeſaid doe and shall from tyme to tyme Declare and contynue all fidelity Loyalty and Obedience to vs our heires and Succeſſors and bee subiect and obedient to all other the Lawes Ordinances and Conſtitutõns of the said Province in all matters whatſoever aſwell Eccleſiaſticall as Civill And doe not in any wiſe diſturbe the Peace and safety thereof or scandalize or reproach the said Liturgy formes and Ceremonyes or any thing relateing therevnto or any Perſon or Perſons whatſoever for or in reſpect of his or their vſe or exerciſe thereof or his or their obedience or Conformity therevnto **And** in Caſe itt shall happen that any doubtes or queſtions should ariſe concerning the true Senſe and vnderſtanding of any word Clauſe or Sentence conteyned in this our preſent Charter **Wee Will** Ordayne and Coñannd that att all tymes and in all thinges such interpretatõn bee made thereof and allowed in all and every of our Courtes whatſoever as lawfully may bee Adiudged moſt advantagious and favorable to the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Lord Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton their heires and Aſſigns **Although** Expreſſe **mentõn** bee not made in theſe preſentes of the true

yearely value and certainty of the premiſſes or any part thereof or of any other guiftes and grantes made by vs our Anceſtors or Predeceſſors to them the said Edward Earle of Clarendon George Duke of Albemarle William Lord Craven John Berkley Anthony Lord Aſhley Sir George Carterett Sir William Berkley and Sir John Colleton or any other Perſon or Perſons whatſoever or any Statute Act Ordinance Proviſion Proclamatõn or reſtraint heretofore had made publiſhed ordeyned or Provided or any other thing Cauſe or matter whatſoever to the contrary thereof in any wiſe notwithſtanding **In witnes** whereof Wee have cauſed theſe our letters to bee made Patent **Witnes** our Selfe att Weſtminſter the ffower and Twentieth day of March in the ffifteenth yeare of our Raigne

By the King

Howard

BIOGRAPHICAL SKETCHES OF THE EIGHT LORDS PROPRIETORS

EDWARD HYDE, EARL OF CLARENDON

1609 - 1674

DWARD HYDE, son of Henry and Mary (Langford) Hyde, was born at Dinton near Salisbury, Wiltshire, on February 18, 1609. There is some doubt about the exact site of his birthplace, but its approximate location is known and is now one of the focal points of interest in the village. At the age of 13 Hyde entered Magdalen College, Oxford, from which he was graduated in 1626. He then undertook the study of law but devoted more time to literature and history than to law. Among his friends he numbered England's leading poets and playwrights. Finally, in 1633, he began to devote himself seriously to the law and soon built up a good practice.

Hyde was appointed keeper of the writs and rolls of the common pleas in December, 1634, and his ability was such that his services at the bar were in great demand. His income grew steadily and by purchasing adjoining land he enlarged his paternal estate. He began his long and important political career as a member of the popular party. In the "Short Parliament" of 1640, in which he served, he was a member of seven important committees.

As a member of the "Long Parliament" which began late in 1640, Hyde busied himself on matters connected with the administration of the law. He was an active and popular member of many committees, but Church questions led him to break with the reform party in favor of the King. He opposed measures advanced against the Church of England and in so doing came to the attention of the King.

Gradually Hyde's advice was more and more sought by King Charles I and frequently Hyde's own words and his writings were adopted by the King as his own. After many months as a secret adviser to the King, Hyde finally, early in 1643, became a member of the Privy Council and was knighted. On March 3 he was appointed Chancellor of the Exchequer. Hyde's advice and policies seem always to have been wise and just, but fre-

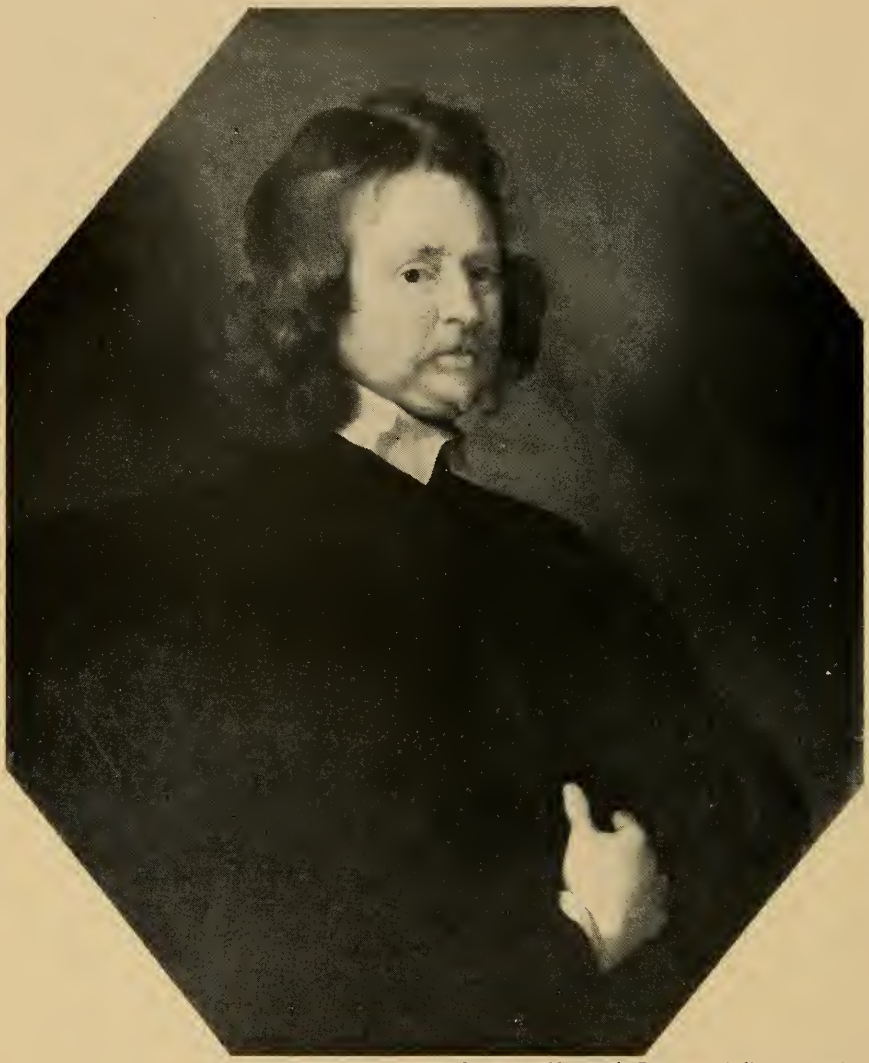
quently went unheeded by the Crown. Finally when Charles chose to embark on a course contrary to that which Hyde deemed wise, it was necessary to shunt him aside.

In March, 1645, after the beginning of the civil war in England, Hyde was sent to Bristol as one of the council responsible for the care of the Prince of Wales and the government in the west. The military campaign in that section was lost and the Prince, destined to be King Charles II, fled to France. Hyde took refuge on the Isle of Jersey, living a part of the time with Sir George Carteret, where he occupied himself in writing his *History of the Rebellion* which he had begun earlier.

Affairs at home were bleak indeed, and Hyde was called to Paris to advise the Prince. Before he arrived, however, he discovered that the Prince was out with the fleet. Hyde finally joined the little court-in-exile in The Hague. At the time of the trial and execution of Charles I Hyde did all in his power to save the royal life. Other members of the former King's Privy Council then joined as advisers to the young Charles II, but it was Hyde who took the lead and who coordinated many of the steps leading to the restoration of the monarchy.

At the restoration Hyde entered London with the King and as his most trusted counsellor he became virtually head of the government. He also continued as Chancellor of the Exchequer until May, 1661.

Hyde was raised to the peerage in November, 1660, with the title of Baron Hyde of Hindon, and less than six months later was created Viscount Cornbury and Earl of Clarendon. He continued to advise the King and was responsible for many of his policies. As a constitutionalist and a strong and rigid Churchman, the Earl of Clarendon loathed, and was loathed by, both Roman Catholics and Puritans. That phase of his government which tried to reconcile the defeated party to the new regime earned for him the resentment of the cavaliers, while his ecclesiastical policy brought him the hard feelings of the other side. Clarendon's insistence upon honesty and fair play was far out of line with the code of many other members of the gay court which developed around Charles II. As a man of action—one who implemented policy and saw that it was put into operation—Claren-



Courtesy National Portrait Gallery, London

EDWARD HYDE, EARL OF CLARENDON

don naturally was blamed for nearly everything that went wrong. Even the marriage of his daughter, Anne, to the King's brother, the Duke of York, brought him no advantage although he became the grandfather of two future queens of England (Mary and Anne).

Clarendon was eventually overthrown by court intrigues and the hostility of Parliament, whose authority he had endeavored to restrict. In August, 1667, Charles dismissed him from office and shortly afterwards charges of treason were drawn up by the House of Commons. The Lords refused to detain him, however, since the charges as drawn were general rather than specific. Feeling between the two houses ran high and the government was paralyzed. Charles induced Clarendon to leave the country and his flight to France convinced the House of Lords of his guilt and they passed an act for his banishment.

The remainder of Clarendon's life was passed in exile. He undertook to learn French and Italian, and he was busy completing and revising his *History of the Rebellion.* Twice he tried to secure permission to return to England, but his pleas went unanswered. After more than seven years in exile the Earl of Clarendon died on December 9, 1674. He was buried in Westminster Abbey early in January.

Both of his wives and a son and a daughter preceded him in death. Two sons, however, survived and one of them saw his *History* through the press. Profits from it were used to provide a building (still standing) for the University Press at Oxford.

Clarendon's share in Carolina passed to his son, Henry, the second Earl of Clarendon. From him it was acquired by Seth Sothel in 1679, but he died without heirs in 1697. It then was taken over by the remaining Proprietors and assigned to Thomas Amy, who in 1700 gave it to his son-in-law, Nicholas Trott, of London. In 1724 it was bought by Hugh Watson for James and Henry Bertie but later was allotted to James Bertie alone, who conveyed it in trust to Edward Bertie and others. It was from them that it was acquired by the Crown in 1729.

Clarendon County in the area now known as the lower Cape Fear region was named for Edward Hyde, Earl of Clarendon, and it was the scene in 1664-65 of several attempted settlements.

Its town was called Charles Town and was at or near the present ruins of the old town of Brunswick. At that time the present Cape Fear River was known as the Clarendon.

Hyde County, set up in 1712, was named for Edward Hyde who was governor of the Albemarle region of North Carolina at that time. His exact relationship to the Earl of Clarendon is not known, although he encouraged the belief in Carolina that it was close.

Bertie County, formed in 1722, was named in honor of James and Henry Bertie who earlier had come into possession of the share of Carolina formerly held by Sir William Berkeley.

GEORGE MONCK, DUKE OF ALBEMARLE

1608 - 1670

EORGE MONCK was born December 6, 1608, near Torrington in Devonshire in a mansion whose ruins still stand. He was the second son of Sir Thomas Monck and his wife, Elizabeth, daughter of Sir George Smith. We know nothing of Monck's early formal education, but judging from his writings it was very meagre. At the age of seventeen he enlisted for service in an expedition to Cadiz under command of his kinsman, Sir Richard Grenville, grandson of the man of the same name who commanded the fleet for the early English attempts at exploration and settlement on Roanoke Island. For valuable service performed "with great hazard to his life" Monck seems to have been rewarded with an ensign's commission.

When he was twenty-one he entered the service of the Dutch whom he served well for nearly ten years. A scheme underway in England about the time he returned, for the colonization of Madagascar by a joint-stock company, attracted his attention for a time, but the outbreak of trouble in Scotland soon drew him back into military service. He became a lieutenant colonel in the foot regiment of the Earl of Newport.

At the outbreak of the Irish rebellion he was placed in command of a regiment which landed at Dublin in 1642. A brilliant series of victories followed during the next sixteen months after which Monck returned to England because of the death of his father. He was highly praised and well received even though he refused to take the oath imposed on the Irish army before it was returned to England to serve Charles I. He had an interview with the King at which he frankly criticized the conduct of the war.

Monck returned to the army just before it suffered defeat at Nantwick early in 1644. In the summer he was brought before the House of Commons, charged with high treason, and committed to the Tower of London where he remained two years. While

there the King sent him £100, a gift which later he often mentioned with gratitude.

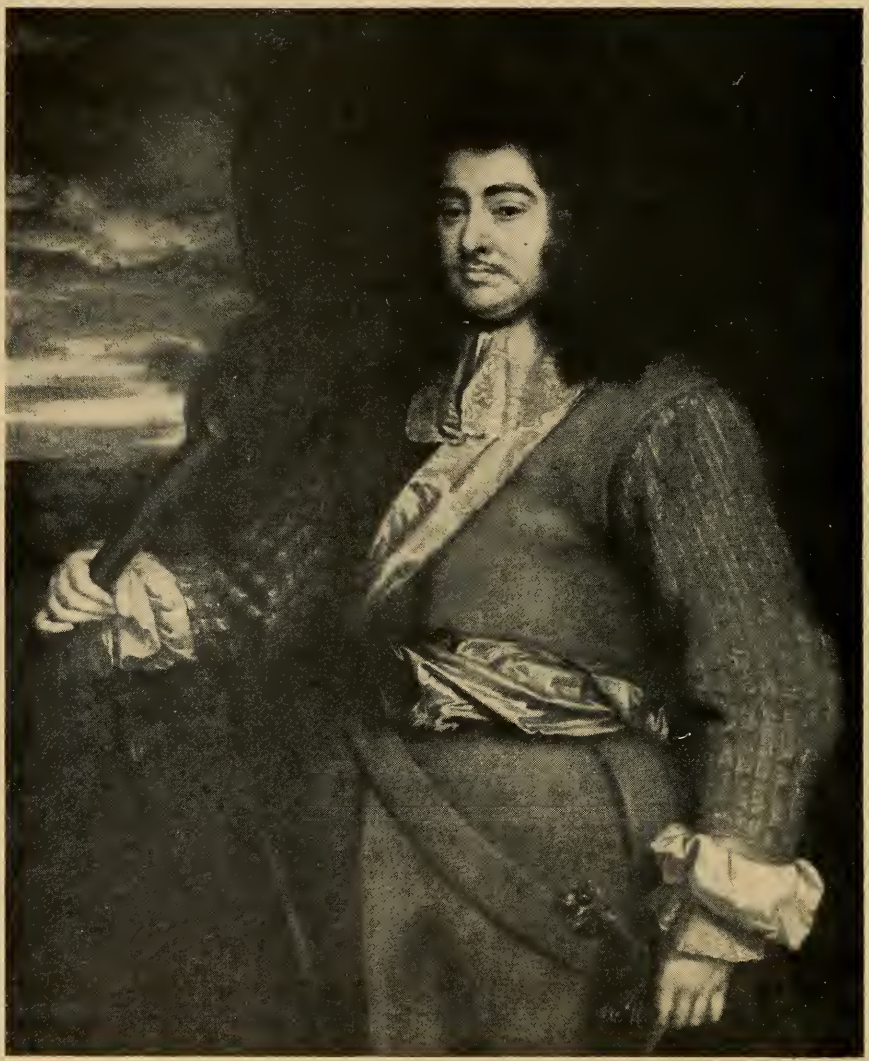
Parliament, having taken the Irish war into its own hands, sought the service of Monck who knew the country and had had experience there. His friends persuaded him to accept and Parliament was convinced that he would serve faithfully. Monck seems to have drawn a distinction between bearing arms against the Irish rebels and bearing arms against the King. At any rate, he was serving in Ireland against the Irish during the civil war in England. Once embarked in the service of Parliament, however, military honor led him to be unswervingly faithful to the government whose pay he took. In a few short months after going to Ireland Monck was placed in charge of the government of one of the two parts into which Ireland was divided and later was made governor of Carrickfergus.*

The execution of the King in 1649 led to divisions among the adherents of Parliament. Scottish settlers in Ireland (whose descendants were the "Scotch-Irish" who later settled much of piedmont North Carolina) declared against Parliament and called on Monck to join them in support of Charles II. Large areas fell into their hands and Monck was obliged to withdraw, at the same time concluding a cessation of arms for a period. He appears to have negotiated, however, and his actions, while not pleasing to Parliament, did not bring his downfall.

When Cromwell invaded Scotland, Monck accompanied him. The troops which were raised at Coldstream in 1650 to form Monck's command later became the Coldstream Guards, those troops now forming the royal guard at Buckingham Palace. After numerous minor victories which raised his prestige in the estimation of Lord Protector Oliver Cromwell, Monck was left in Scotland as commander-in-chief. Several remarkable victories earned him the thanks of Parliament, but ill health soon forced his return to England.

In 1652 Monck was appointed a general of the fleet and as such won three outstanding engagements against the Dutch which brought to an end the war with them. Parliament voted him a gold chain valued at £300 and a medal commemorating

* The home of the Dobbs family, one of whom—Arthur (1689-1765)—was governor of North Carolina from 1754 to 1765.



Courtesy National Portrait Gallery, London

GEORGE MONCK, DUKE OF ALBEMARLE

his victories. Monck declared that he merely was protecting his country against its enemies at sea. On October 1, 1653, he became a member of the House of Commons for Devonshire.

With the coming of spring he returned to command the army in Scotland. He found royalists everywhere, making it necessary for him to set about at once to subdue them. His administration of civil affairs was just, nevertheless, and well received. As a result he gained considerable personal popularity among the people there for his stand on many important questions.

In 1655 Charles II sent Monck a letter expressing belief that he still held the old affection for the monarchy and asking him to remain ready for future service. Monck forwarded a copy of the letter to Cromwell with whom he remained cordial.

On the death of Cromwell Monck pledged his support to the new Protector. A letter to Richard Cromwell shortly after his accession carried advice on a number of questions. Monck felt capable of suppressing both royalist rising and military revolts. Richard, confident of Monck's support, offered him a seat in the House of Lords, but, as he had done when the same honor was offered by Oliver Cromwell, Monck explained that he could not be spared from Scotland.

Before long young Cromwell was quarrelling with the army and soon dissolved Parliament. He was caught between the jealous rivalries of the army and Parliament. When attempts were made to change some of the officers under his command Monck became dissatisfied. It was at this point, in 1659, that overtures were made to him by the royalists.

Edward Hyde, it seems, was responsible for accepting Monck as the one man best able to effect the King's restoration. The case was neatly presented in a letter from a royalist to Hyde. Monck "commandeth absolutely at his devotion . . . a better army than that in England is, and in the king's quarrel can bring with him strength of Scotland," he wrote. "I need not give you his character; you know he is a sullen man that values him enough, and much believes that his knowledge and reputation in arms fits him for the title of Highness and the office of Protector better than Mr. Richard Cromwell's skill in horseracing and husbandry doth. You know, besides, that the only ties that have hitherto

kept him from grumbling have been the vanity of constancy to his professions, and his affection to Cromwell's person. . . . Nothing of either of them can now stick with him. The way to deal with him is, by some fit person to shew him plainly, and to give him all imaginable security for it, that he shall better find all his ends (those of honour, power, profit, and safety) with the king than in any other way he can take."

Monck's cousin, Sir John Grenville, and his brother, Nicholas Monck, were sent to solicit his support. They delivered a letter from Charles. "I cannot think," the exiled Charles wrote, "you wish me ill, for you have no reason to do so; and the good I expect from you will bring so great benefit to your country and yourself, that I cannot think you will decline my interest. . . . If you once resolve to take my interest to heart, I will leave the way and manner of declaring it entirely to your own judgement, and will comply with the advice you shall give me."

The visitors were received and heard, but Monck kept his decision to himself. He did, however, declare privately that he favored a full and free Parliament and the known laws and liberties of the nation. A short while later he announced his stand on the side of Parliament rather than with the army leaders. Parliament then made him commander-in-chief of the army and he promptly secured large areas of Scotland for the cause of Parliament as opposed to those who advocated military rule. In a little more than a month after Monck assumed command of the army the garrison of Portsmouth declared for the restoration of the Parliament; within ten days the fleet made a similar pledge. A revolution in the Irish army placed the government there in the hands of Monck's supporters. Troops in London ceased resistance and submitted to Parliament.

Monck now proceeded to advance into England. Opposition crumbled as he approached and on February 3, 1660, he entered London. All the time he remained discreetly silent concerning the restoration of the Stuarts. This silence confused even the shrewdest observers. Hyde and the royalist agents in England could not decide whether his ultimate goal might be the same as theirs. His actions and his words—or lack of them— were completely contradictory. No one knew whether he meant to serve King or Parliament—Cromwell's Parliament.

Parliament, perhaps wooing him because they certainly regarded him with suspicion, heaped honors upon him. He was elected to the council of state, received official approval of all his past actions, was given £1000 a year, and was made ranger of St. James' Park. At the same time he was ordered to subdue certain rebellious factions in London. He carried out a part of his orders but not that part which seemed unfair to him and the men in his command. Parliament was adamant and ordered the execution of its commands. Monck obeyed, knowing full well that it would turn his troops against Parliament. "This," he told a member of Parliament, "was a trick you knew not of, and I assure you that I could not have done my business so soon without it, and possibly not at all." With the army wholly behind him Monck now was in a position to dictate to Parliament. He ordered the seating of those members who were driven out in 1648 at the time of the downfall of Charles I. He ordered the dissolution of the old Parliament, the calling of a new one, and the appointment of a new council of state to govern in the interval. Monck, as might have been expected, headed the new council.

Sometime while this was going on—we do not know just when—Monck had entered into direct communication with Charles II. He made certain recommendations such as a plan for a general pardon, the guarantee of all land sales made during the Protectorate, and a promise of religious toleration, which the King adopted almost as Monck laid them down.

On April 25, 1660, the new Parliament met. On May 1, the restoration of the monarchy was voted and on the 25th Charles landed at Dover. He was met by Monck with expressions of humility and devotion. At Canterbury the following day Monck was knighted and given other honors. In July he was raised to the peerage by the titles of Baron Monck of Potheridge, Beauchamp, and Teyes, Earl of Torrington, and Duke of Albemarle. He also received a pension of £700 a year and was given the estate of New Hall in Essex. Monck used his influence with moderation and seems generally to have been well liked. Although the remainder of the army was disbanded, his own regiment was continued as the King's guard (Coldstream Guards).

In 1665 all through the plague Monck remained in London in a military capacity to maintain order. With the assistance of William Craven he superintended the measures taken to check the pestilence. His contemporaries declared that his example and presence were of the greatest value.

The following year Monck was again at sea to fight in the war against the Dutch. In June he suffered a defeat but a short while later won a great victory. He was recalled to London by news of the great fire and his influence in the city was of the greatest use in restoring order.

In 1667 he was appointed first lord of the treasury, but ill health soon forced his return to New Hall where he died on January 3, 1670. An eyewitness recorded that he died "like a Roman general and soldier, standing almost up in his chair, his chamber open like a tent, and all his officers about him." The King took charge of the funeral and he was buried in Westminster Abbey.

Thomas Grumble, Monck's chaplain, described him as "of a very comely personage, his countenance very manly and majestic, the whole fabric of his body very strong." Just before he died an Italian recorded that Monck was "of the middle size, of a stout and square-built make, of a complexion partly sanguine and partly phlegmatic . . . ; his face is fair, but somewhat wrinkled with age; his hair is grey, and his features not particularly fine or noble."

Monck's wife was Anne Clarges, daughter of a London blacksmith. In 1633 she had married Thomas Radford, a milliner and perfumer and afterwards a servant to Prince Charles. She was separated from him in 1649, but there is no record of his death before her marriage to Monck on January 23, 1653. To Monck and his wife were born two sons: Christopher, born August 14, 1653, who succeeded his father as the second Duke of Albemarle and died childless in Jamaica in 1688 where he had gone as governor-general; and George who died an infant. The royalists once considered Monck's wife "an extreme good woman" and in connection with the restoration of Charles II, "a happy instrument in this glorious work." She died less than a month after Monck and was buried in Westminster Abbey.

Monck's interest in Carolina went to his son at whose death it was acquired by his kinsman, John Grenville, Earl of Bath (1628-1701), through a decree in chancery in 1694. Bath's son, John, Lord Grenville (1665-1707), inherited his father's interest in Carolina. At his death it was acquired by Henry Somerset, Duke of Beaufort (1684-1714), who left it in trust for his two sons, Henry, Duke of Beaufort, and Charles Noel Somerset, in whose names it was transferred to the Crown in 1729.

Albemarle County, created in 1663 and now extinct, was named for George Monck, Duke of Albemarle, as was Albemarle Sound and the Town of Albemarle in Stanly County. A county in Virginia and one of the main streets of London were also named Albemarle for him.

Beaufort County, the old county of Bath, and North Carolina's oldest town, the Town of Bath, were all named for persons who acquired Monck's interest in Carolina after his death.

WILLIAM CRAVEN, EARL OF CRAVEN

1606 - 1697

ILLIAM CRAVEN, whose father, Sir William Craven, was Lord Mayor of London, was born in 1606. Young Craven is said to have been a member of Trinity College, Oxford, but at the age of sixteen he entered the service of the Prince of Orange and distinguished himself as a military officer. After his return to England he was knighted by Charles I on March 4, 1627. A little more than a week later he was created Baron Craven of Hampsted-Marshall, Berkshire, and a short time later was named a member of the permanent council of war.

Craven was one of the commanders of the English forces sent to Germany early in 1632 in an effort to restore the deposed King and Queen of Bohemia. The Queen was Elizabeth, daughter of James I, sister of Charles I, and grandmother of George I. Craven was soon to devote himself wholly to the service of the heroic Elizabeth. In 1633 he seems to have been in England, for he was placed on the council of Wales that year and also created M.A. by Trinity College. By 1637 he was again actively in the service of the Queen where he remained for the next quarter of a century. He accompanied her two sons to Holland from England and into battle on the Lower Rhine. He and Prince Rupert were captured and Craven remained a prisoner for two years. When he was released he visited Queen Elizabeth at The Hague before going on to England. Afterwards he returned and became a permanent member of her court. Craven was most generous with his personal fortune and had in large measure financed the expedition launched in an effort to restore the Queen of Bohemia. When her pension from England was cut off by Parliament at the execution of Charles I he seems to have contributed freely to her. The Queen's daughter, Princess Sophia (mother of George I) readily accepted Craven's aid but ungratefully made fun of him.

During the civil war in England Craven generously aided Charles I with money and it has been estimated he contributed

as much as £50,000 to his cause. When the exiled Charles II was visited by the Queen of Bohemia and her daughters, Craven accompanied them. It was at this time that Craven is said to have offered his services to Charles against Parliament. He also made a number of short journeys in the King's service and was subsequently declared by Parliament to be an offender against the Commonwealth. Much of his property in England was seized and sold but Combe Abbey, his beautiful home near Coventry, was spared and still stands. For a number of years Craven, although still at The Hague, endeavored to recover his property; many of his friends acting in his behalf also did all in their power to save his estates. It was not until the restoration of Charles II, however, that he succeeded, but whether all was returned we do not know.

With Charles' return to England Craven also crossed the Channel and was given many honors and offices. He became lord lieutenant of Middlesex and Southwark, colonel of several regiments including the Coldstream Guards, a lieutenant general and a member of the Privy Council; and he was advanced to the dignities of Viscount Craven of Uffington and Earl of Craven. It was he who arranged the return of Elizabeth and when Charles offered his aunt no residence in England, Craven made his own London house available to her. During nearly all of the remainder of Elizabeth's life she was his guest and he frequently attended her in her public appearances.

Many persons have since believed that Craven was privately married to the Queen of Bohemia, but no evidence of the truth of this has ever been found, not even so much as a contemporary rumor. Rumor did circulate, however, that Craven wished to marry her daughter, Elizabeth, only seven years his junior. The Queen left her collection of portraits and her papers to Craven. The portraits still hang at Combe Abbey.

During the plague and the great fire Craven was especially active. It is said that his horse could smell a fire from a great distance and was in the habit of immediately galloping off with him to the spot.

At the succession of James II after Charles' death, Craven became a member of the Privy Council and was appointed lieu-

Courtesy National Portrait Gallery, London

WILLIAM LORD CRAVEN

tenant general of the forces. He was in command of the Coldstream Guards on the night in December, 1688, when Dutch troops entered London in advance of the arrival of William and Mary. Craven ordered his men away only upon command of James, himself. James fled to France and Craven's public life was at an end although he continued to be quite active especially in aiding in the extinction of fires. He also spent his time developing outstanding gardens at his various estates and at his London house.

During Craven's lifetime numerous volumes were dedicated to him and on the basis of this slim evidence he is said to have been a "patron of letters." He was one of the early members of the Royal Society of London, founded in 1660 for the promotion of mathematical and physical science.

Craven died unmarried on April 9, 1697, the last of the eight original Proprietors of Carolina. He was buried at Binley near Coventry, where his remains rest with those of his relatives in the vault of the church. His grand nephew, William, Lord Craven, inherited his title and interest in Carolina which he held until his death in 1711 when it passed to his son, William, Lord Craven, from whom the share in Carolina was acquired by the Crown in 1729.

North Carolina's Craven County was named to honor Lord Proprietor William Craven.

JOHN BERKELEY, BARON BERKELEY OF STRATTON

c. 1607 - 1678

OHN BERKELEY, son of Sir Maurice Berkeley of Bruton, Somersetshire, and brother of Sir William Berkeley, probably was born early in 1607. He was baptized in February, 1606/07. In 1623 he and William entered Queen's College, Oxford, together, the college of which their father and two older brothers had already been members.

When Berkeley was about thirty Charles I sent him as ambassador to Christina, Queen of Sweden, to propose a joint effort by the two rulers to reinstate the Elector Palatine in his dominions. In July, 1637, he returned from Sweden and sometime later had a commission in the army raised for the purpose of coercing the Scots. In July, 1639, he was knighted at Berwick and in 1640 was seated as a member of Parliament representing Heytesbury, Wiltshire. Soon afterwards Berkeley was accused in Parliament of taking part in the conspiracy to corrupt the army in the interests of the King. He was expelled from the House of Commons and confined in the Tower of London. Edward Sackville, Earl of Dorset, and Henry Grey, Earl of Stamford, posted £10,000 bond for his release and the early outbreak of hostilities prevented further action against him. In 1642, with the rank of commissary-general, he was sent into Cornwall for service under Lieutenant General Sir Ralph Hopton. Berkeley won great distinction for himself in May, 1643, when the royalist forces defeated the Earl of Stamford, then serving as a parliamentary general but who later publicly supported Charles II. Berkeley now became commander-in-chief of all royalist forces in Devonshire which he succeeded in holding for a time, but in 1644 he suffered defeat while trying to halt a westward advance of the enemy. In 1645 he succeeded Sir Richard Grenville as colonel-general of Devonshire and Cornwall but early the following year he was forced to surrender Exeter (though on honorable terms) where he had chosen to make a stand. He fled to Paris in attendance on the Queen with whom he seems to have been a favorite.

She recommended him to the King and he returned to England to use whatever influence he had to mediate between Cromwell and other leaders and the King. In July, 1647, the King rejected a set of propositions submitted as a basis for reconciliation and in November he began his flight and escaped to the Isle of Wight with Berkeley in attendance. The King was shortly taken into custody, and Berkeley openly went to London to plead for his safety. Certain army officers received him coolly, however, and Parliament arraigned him as a delinquent. With this turn of events Berkeley saw no other alternative than to flee to Paris where he became temporary governor to James, Duke of York. In 1652 he acquired control of the Duke's finances and other affairs as well, it would seem. At any rate he endeavored without success to arrange a financially desirable marriage for the Duke. Undaunted by his failure in behalf of the Duke, he set about to make a marriage of convenience for himself, but was rejected by the Countess to whom he addressed his attentions. It is said that Edward Hyde advised the Countess on this course, inspiring in Berkeley a deep and lasting animosity towards him.

For several years Berkeley served with the Duke of York in the fight against the Spanish in the Low Countries. In 1657 he accompanied the Duke on a tour of the Netherlands and in May, 1658, was raised to the peerage as Baron Berkeley of Stratton, in Cornwall.

At the restoration of Charles II Berkeley returned to England and was at once placed on the staff of the admiralty. In 1661 he was appointed Lord President of Connaught for life, but a deputy was assigned to act for him in Ireland and he remained in attendance at court. In fairly rapid succession Berkeley was given other posts of honor and responsibility. He was a member of the Privy Council, a master of the ordnance, and one of the committeemen of Tangier. For two years he lived in Ireland as Lord Lieutenant and in 1675 was appointed one of England's three ambassadors extraordinary to the Congress of Nimeguen, a great peace congress called to end the wars which had embroiled most of Europe for years. In 1677, because of ill health, he was forced to return home. He died on August 26, 1678, and was buried in the parish church of Twickenham near his brother, Sir William Berkeley.

Courtesy Victoria & Albert Museum, London

JOHN LORD BERKELEY

Jo Berkeley

Berkeley had married Christian or Christiana Riccard, daughter of Sir Andrew Riccard, a wealthy London merchant. She had been married twice previously. At his death Berkeley left three sons, each of whom succeeded in turn to the title (which became extinct in 1773), and one daughter.

By way of apology for his part in the transactions which ultimately led to the seizure of Charles I, Berkeley wrote a historical piece first published in 1699 as *Memoirs of Sir John Berkeley, Containing an Account of His Negotiations with Lieutenant-General Cromwell, Commissary-General Ireton, and other Officers of the Army, For Restoring King Charles the First, to the Exercise of the Government of England.* It has since been reprinted several times.

At the time of his death Berkeley was in arrears with the installments on his stock in Carolina and the other proprietors, as provided by the Fundamental Constitutions, took it over. It was bought by John Archdale in the name of his minor son, Thomas Archdale. When Thomas Archdale came of age in 1696, he sold his share in Carolina to Joseph Blake, deputy governor of South Carolina, who thereupon became governor of Carolina in right of a proprietor. Blake died in 1700 and by his will left his share to his infant son, Joseph Blake, who transferred it to the Crown in 1729.

Old Archdale Precinct, formed in 1705 from Bath, was named in honor of John Archdale, governor of Carolina (1694-1696), an early visitor to New England, and who later was a member of Parliament. About 1712 the name of Archdale Precinct was changed to Craven.

Berkeley was also a Proprietor of New Jersey. In 1664 James, Duke of York, gave that territory to him and to Sir George Carteret.

ANTHONY ASHLEY COOPER, EARL OF SHAFTESBURY

1621-1683

NTHONY ASHLEY COOPER, eldest son of John Cooper of Rockborne in Hampshire and Anne Ashley, daughter of Sir Anthony Ashley, was born in his grandfather Ashley's home at Wimborne St. Giles in Dorsetshire, on July 22, 1621. The following year his father was created a baronet, a rank his son was soon to inherit. By the time young Cooper was ten both his parents were dead; he became the second baronet and inherited extensive estates in four counties, plantations in Barbados, and an interest in a ship engaged in the Guinea trade.

In 1637 Cooper entered Exeter College, Oxford, but left early the next year to study law at Lincoln's Inn, London. He was chosen a member of Parliament in 1640 although not yet of age. In the contest between King and Parliament Cooper was slow to take sides, but by 1643 had taken a stand for the royal cause by raising a regiment of infantry and a troop of cavalry, both of which he commanded. He seems to have realized, nevertheless, that mutual concessions were necessary. Before long he was made sheriff and president of the King's council of war for Dorsetshire.

For reasons which have never been fully known, Cooper suddenly gave up all his commissions under the King and switched over to the side of Parliament. At the time, his explanation was that he felt King Charles' aim was destructive to both religion and the state, but his contemporaries, as well as later writers, suggested various other reasons.

Command of parliamentary forces in Dorsetshire was given to him in 1644 and he led his troops in a number of successful engagements during the next several months. In the late spring of 1646 his military service came to an end and for the next seven years he occupied himself with private and local affairs. During the period he held a number of local political offices. In 1652 he was a member of a commission for the reform of the laws and the following year again became a member of Parlia-

ment as well as a member of Cromwell's council of state. Cooper was a moderate in Parliament and seems to have been able to prevent certain violent and rash actions on the part of other members. He stood with Cromwell so long as he appeared to be striving to establish a genuine parliamentary government, but when he saw that Cromwell was determined to rule alone, Cooper broke away. When a new Parliament met in 1656 Cooper appeared in opposition to Cromwell and as head of a coalition of Presbyterians and republicans. He spoke frequently and well, so well in fact that he was accused of being in touch with the exiled King Charles in Paris. This charge he denied and he was cleared by Parliament. Cooper again took up his fight for the rights of Parliament.

When Monck's commissioners arrived in London, Cooper was one of those dealing with them. A little later he was one of eight members of the now-dissolved council of state assuring Monck of their cooperation. A few days later they gave Monck a commission as commander-in-chief of all forces in England and Scotland. Cooper, himself, held a commission to command the troops in London, which it was hoped would revolt, and he and two others secured a pledge of support for Parliament from the fleet. The complete return of power to Parliament was to be the first step in restoring the King. This now became Cooper's aim and he worked for it with all his might.

Cooper was one of a dozen men sent by Commons in the spring of 1660 to invite Charles to return. When the King returned to England Cooper met him at Canterbury. At the suggestion of Monck, Cooper was made a member of the Privy Council.

At the coronation in April, 1661, Cooper was created Baron Ashley of Wimborne St. Giles. (He took the surname of Ashley.) Lord Ashley was soon made Chancellor of the Exchequer and a lord of the treasury. Even with these honors, however, he strenuously opposed two of the leading measures favored by the King. A short while later he switched again and was one of the five men very close to the King. These five men formed what was know as the "Cabal"—a word not previously used in the English language—the initial letter of the names of each forming the word, Ashley being second.

Courtesy Victoria & Albert Museum, London

ANTHONY ASHLEY COOPER, EARL OF SHAFTESBURY

Lord Ashley supported the Dutch war and went along easily with many of Charles' schemes. For a number of years after his appointment in December, 1660, he served on the council for foreign plantations. After the grant of Carolina in 1663 he played a leading role in the management of the colony and it was at his request in 1669 that Locke drew up the Fundamental Constitutions as a proposed basis for the government of the colony. Ashley was also among those to whom the Bahamas were given in 1670 and he had interests in Barbados and Guinea, as previously stated.

On April 23, 1672, Ashley was created Earl of Shaftesbury and Baron Cooper of Pawlett. Before winter he was Lord High Chancellor, a post he filled with ability and impartiality, although not without criticism. Shaftesbury's eventual fall from power has been attributed to his fear, hatred, or dislike of the Duke of York, a Roman Catholic, who he felt might succeed Charles. After leaving office Shaftesbury became a most powerful leader of the opposition. Through his efforts he forced the downfall of one administration and the formation of a new one in which he, himself, was made president of the council. His goal all along seems to have been to prevent Charles from restoring the Stuart absolutism. Shaftesbury was the author of the Habeas Corpus Act whose principle has been carried over into our own law.

In opposition to the Duke of York, Shaftesbury is said to have entered into an understanding with the Duke of Monmouth (illegitimate but acknowledged son of Charles II) and to have supported his claims to the throne. This action eventually led to his arrest and imprisonment in the Tower of London. The jury before which he appeared refused to find just cause for holding him, however, and he was released on bail. While thus temporarily free there was a change in the local administration and men who surely would convict him, right or wrong, went into power. Fearing for his life, Shaftesbury went into hiding before deciding to flee the country. He reached Amsterdam early in December, 1682, and found asylum in the home of an English merchant. Before many weeks had passed he became ill and on January 21, 1683, the Earl of Shaftesbury died.

He had been married three times and was survived by an only son of the second marriage. This son, the second Earl of Shaftes-

bury, took over his father's share in Carolina. At his death in 1699 it passed to his son, Anthony, third Earl of Shaftesbury who died in 1713, leaving it to his brother Maurice. At some time prior to July, 1725, Maurice disposed of the Shaftesbury share to Sir John Tyrrell (for whom Tyrrell County was named in 1729). Later it was held by Archibald Hutcheson in trust for John Cotton from whom it was acquired by the Crown in 1729.

Shaftesbury Precinct in old Albemarle County was named to honor the Proprietor.

SIR GEORGE CARTERET

c. 1615-1680

EORGE CARTERET was the son of Helier de Carteret of St. Ouen, Isle of Jersey, whose home, dating from the thirteenth century, is still standing. The exact date of his birth is unknown but his parents —his mother was Elizabeth Dumaresq—were married in 1608. In 1642 the inhabitants of Jersey complained that George, acting as governor in the absence of his uncle, Sir Philip de Carteret, was too young for such a post.

Carteret's formal education seems to have been scanty and, as might have been expected of a young man living on one of the Channel Islands, he went to sea quite early. In 1632 he is listed as a lieutenant of the ship *Convertive.* Ten years later he was a captain of a ship and successively commanded a number of vessels in the King's navy. In 1637 he served as second in command under William Rainborrow in a punitive expedition against the Salé pirates of North Africa. He attained the rank of comptroller of the navy two years later and in 1642 was selected for the post of vice admiral to Sir Robert Dudley, Earl of Warwick, but other commands from the King prevented his acceptance.

When the civil war began in England he attempted to raise troops in Cornwall, but was persuaded instead to supply arms and ammunition for the royalists in the west of England. Using his own credit and influence he supplied not only them, but those holding the fortresses of the Channel Islands as well.

In 1643 Carteret inherited the position of bailiff of the Island of Jersey and shortly afterward was appointed lieutenant governor by the King. From Jersey he conducted a vigorous privateering war against ships supplying the forces of Parliament. He was, of course, declared a pirate and a law was passed to void all commissions granted by him. He later was excluded from amnesty in treaties made with the King.

Jersey became the refuge of royalist fugitives in 1646. Prince Charles landed in the spring of that year and rewarded Carteret

by creating him knight and baronet. At one time Carteret even went so far as to turn his own family out to make room for Charles and his retainers. Carteret's genuine unselfishness won the gratitude of both Charles and the Duke of York. "Carteret," Charles later wrote, "I will add this to you under my own hand that I can never forgett the good services you have done to my father and to me and if God bless me you shall find I do remember them to the advantage of you and yours; and for this you have the word of your very loving friend Charles R."

Edward Hyde, afterwards Earl of Clarendon, spent two years in Jersey as Carteret's guest. "He was truly a worthy and most excellent person," Hyde recorded, "of extraordinary merit towards the crown and nation of England; the most generous man in kindness, and the most dexterous man in business ever known; and a most prudent and skilful lieutenant-governor, who reduced Jersey not with greater skill and discretion than he kept it. And besides his other parts of honesty and discretion, undoubtedly as good, if not the best seaman of England."

When Charles returned for a second visit to Jersey in 1649 and 1650, he granted Carteret "a certain island and adjacent islets in America in perpetual inheritance, to be . . . held at an annual rent of 6 l. a year to the crown." Charles later followed this pattern of granting land in America to reward his friends. In this instance he was rewarding the man who, on the Island of Jersey immediately after the execution of Charles I, proclaimed him Charles II.

A parliamentary army landed in Jersey in 1651. Carteret, determined to make his the last royal stronghold to surrender, shut up himself and a garrison of 340 men in Elizabeth Castle. They held fast for three months in the face of enemy attacks. Finally powerful artillery was brought up and from a neighboring height poured forth on Carteret's castle. In December he was forced to surrender, but he and his men were allowed to make an honorable departure. Carteret joined the royal family in France.

In 1660, at the restoration, Carteret became a member of the Privy Council and treasurer of the navy. He also occupied the post of vice chamberlain of the household, a position to which he had been appointed by Prince Charles in 1647.

Courtesy Victoria & Albert Museum, London

SIR GEORGE CARTERET

In 1661 Carteret was elected a member of the House of Commons for Portsmouth. As treasurer of the navy, however, he was most active. His personal credit enabled him to borrow £280,000 in 1665, during the plague, to keep the fleet abroad. Two years later difficulties of the Dutch war caused him to step down and accept the post of deputy treasurer of Ireland. Commissioners appointed for the purpose of investigating accounts of the navy revealed gross mismanagement there during the war, but as far as their report went it was favorable to Carteret. The House of Commons, however, by a vote of 100 to 97 found him guilty of a misdemeanor and suspended him.

A few years later, in spite of this, Carteret became one of the commissioners of the admiralty, a member of the Tangiers committee, and a member of the committee of trade and plantations. In addition to these, he was one of the early supporters of the Hudson's Bay Company.

Carteret's death, two days after the warrant for raising him to the peerage had passed, was announced in the *London Gazette* of January 14, 1680. He was said to have been "near eighty years old." Shortly afterward Charles granted to his widow the same precedence as if the promised baronetcy had actually been granted. Carteret's wife was his first cousin, Elizabeth, daughter of Sir Philip de Carteret. Their eldest son had been drowned in fighting the Dutch in 1672, but he left a son, George, who became Baron Carteret of Hawnes on October 14, 1681. This Sir George Carteret married Lady Grace Granville, of the family of Sir Richard Grenville who several times in the sixteenth century visited Roanoke Island and the coast of Carolina. Sir George had inherited his grandfather's share in Carolina and left it to his son John (1690-1763) who, at the death of his mother in 1744, became the Earl of Granville.

When the other shares of Carolina were purchased by the Crown in 1729, Carteret demanded and was allotted a large body of land which has come to be known as "Granville's Grant."

North Carolina's Carteret County, formed in 1722 from Craven, was named in honor of Sir John Carteret, afterward Earl of Granville. Granville County, formed in 1746 from Edgecombe, was also named for him.

SIR WILLIAM BERKELEY

1606-1677

ILLIAM BERKELEY, son of Sir Maurice Berkeley and brother of Sir John Berkeley, was born probably in Bruton, Somersetshire, in 1606. He attended Queen's College, Oxford, and in 1629 received an M.A. degree from Merton College. As a very young man he earned the reputation of a polished courtier and quite early became a gentleman of the privy chamber to Charles I. During the same period he also was known as a playwright of merit. *The Lost Lady,* a tragicomedy, was published in 1638 and an unpublished play, "Cornelia," is ascribed to him. He was knighted at Berwick on July 29, 1639.

On August 9, 1641, Berkeley was commissioned governor of Virginia, an office which he took over the following year and held for nearly thirty-five years. In the beginning he seems to have been an able governor, having brought to terms the rival factions which he found on his arrival in the colony. He went so far as to permit the general assembly to act as a final court of appeal even for cases from the general court over which he presided. The new governor encouraged the diversification of crops and set an example by growing flax, cotton, and rice on his own lands. As were so many Virginians of the period, he was especially interested in producing silk and in one year was able to send 300 pounds of it as a gift to the King. To encourage manufacturing he set up his own looms to weave material for clothes for his own family and for his slaves.

Berkeley encouraged and directed attempts to explore the surrounding country and to find an easy route through the mountains and into the western country. A small army which he raised in 1644, following the second great Indian massacre of the whites in Virginia, followed him to the frontier and completely subdued the Indians. The peace with them which followed lasted for more than thirty years. Thanks to adequate preparation he was also able to halt a threatened invasion of Virginia from the sea by the Dutch in 1665.

During the early years of Berkeley's administration he relentlessly persecuted the Quakers and Puritans. He has also been taken to task for his latter attitude towards learning. In Virginia he said "I thank God there are no free schools nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience and heresy and sects into the world, and printing has divulged them, and libels against the best governments. God keep us from both."

At the beginning of the civil war in England, Berkeley violently indicated his opposition to Parliament and exerted his influence on the Cavaliers to get them to come to Virginia. The colony also became an asylum for the persecuted clergy of England. Berkeley's fury expressed at the execution of Charles I caused Parliament to call for his submission to her authority, but he refused to comply. A small fleet sent to the colony was met with force and Virginia surrendered only after a compromise had been reached. Berkeley was allowed to remain on his own plantation as a private person.

At the time of the restoration of Charles II Berkeley returned to England briefly. When he returned to Virginia he went not only as governor of that colony, but also as one of the eight Proprietors of Carolina. He was instructed by the other Proprietors to take charge of their business there and to handle the appointing of a governor and council, the granting of land, and the collecting of quit rents. In October, 1664, he selected William Drummond as governor of the Province of Albemarle.

After Berkeley's return from England he became quite a different governor than formerly. His administration was most irregular and the general assembly became merely a tool in his hands. There had been no election for Burgesses for a long time and through the governor's appointive power formerly independent county governments fell under his thumb as did also the council and general court of the colony. Other important causes of discontent developed. There was a serious Indian insurrection and the people soon rose up in arms against the government. Nathaniel Bacon led the rebellion which forced Berkeley to flee to the Eastern Shore of the colony. It was not until Bacon's death in 1676 that Berkeley was able to resume his office. He set

From the portrait in the possession of Maurice duPont Lee, Wilmington, Delaware. This portrait once hung in *Stratford*, the Lee mansion in Westmoreland County, Virginia. Mr. Lee also owns a companion portrait of Berkeley's wife.

SIR WILLIAM BERKELEY

out on a course of execution and confiscation so violent as to cause his recall by the English government. King Charles is said to have remarked of Berkeley that "the old fool has killed more people in that naked country than I have done for the murder of my father." He finally gave up his office in 1676 and returned to England where he died on July 9, 1677. He is buried at Twickenham near the grave of William Tryon, a governor of North Carolina a century later who also was faced with rebellion in the colony.

Berkeley's wife was Frances Culpeper, widow of Samuel Stephens, governor of Carolina from 1667 to 1669. After Berkeley's death she married Col. Philip Ludwell, brother of Thomas Ludwell, Secretary of State of the colony. Lady Berkeley received her husband's share in Carolina, but in 1682, after her marriage to Ludwell, it was sold to Thomas Amy, trustee for four of the other Proprietors, Monck, Craven, Carteret, and Colleton, of whom only Craven was an original Proprietor. In 1697 Amy became a Proprietor through the purchase of an interest in Carolina for himself, but soon deeded it to his son-in-law, Nicholas Trott. In 1705 the four Proprietors sold the Berkeley share to John Archdale who, a few years later, deeded it to his son-in-law, John Danson. These transactions became so involved that a law suit followed and the court ordered both shares sold. They were purchased by Hugh Watson, trustee for Henry and James Bertie. They later became the sole property of Henry Bertie who sold his interest in Carolina to the Crown in 1729.

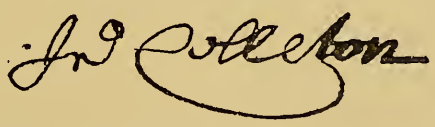
The old precinct of Archdale, formed in 1705 from Bath, was named to honor John Archdale, governor of Carolina from 1694 to 1696. Bertie County, formed in 1722, was named in honor of Henry and James Bertie.

SIR JOHN COLLETON

1608-1666

JOHN COLLETON, the son of Peter and his wife, Ursula Hull, was born in 1608, probably in the west of England since his father was high sheriff of Exeter in Devonshire ten years later. During the civil war he served faithfully in the royal cause, first as a captain of infantry and later as a colonel. Sir John Berkeley commissioned Colleton to raise a regiment for his army in the west. This Colleton did in ten days and in the cause of the King also spent some £40,000 of his own money.

It seems to have been late in 1650 or early in 1651 that Colleton, described as "a man of considerable wealth and influence," went to the Island of Barbados in the West Indies. The governor there, Francis Willoughby, Lord of Parham, confided in him and discussed with him many of his problems. Colleton appears



Signature of SIR JOHN COLLETON. No portrait of him is known.

to have returned to London for a brief period in 1652, but was soon back in Barbados where he remained an ardent supporter of the royalist cause. He is described by various authorities as a "merchant and promoter," "a Barbadian financier," and simply as "a planter." The latter would appear to be more accurate, but at any rate he held a high post in the government of the island and in 1658 occupied a "judicial office." He was related to Sir Thomas Modyford, at one time governor of the island, to whom George Monck, Duke of Albemarle, was also related. Various members of the Colleton family were outstanding in the early annals of Barbados.

About the time of the restoration of Charles II in 1660, Colleton returned to England, never again to visit Barbados. His

property in Barbados was taken over by his son, James, who married Ann, daughter of James Kendall, governor of the island. Sir John Berkeley presented a "memorial" in Colleton's behalf to the King and in February, 1661, he was knighted together with twelve other gentlemen including John Yeamans who took an early part in the settlement of Carolina and who had also lived in Barbados. Colleton was appointed a member of the Royal African Company, and in December, 1660, had been made a member of the very important Council for Foreign Plantations of which Berkeley was president.

The idea of obtaining a grant from the King for the region lying south of Virginia seems to have occurred first to Colleton. It is likely that he had heard attractive accounts of this vast unoccupied region from captains who had sailed their ships along the coast and noticed the large navigable rivers and sounds and fertile lands. Their accounts would have interested a Barbadian planter such as Colleton whose plantations were being crowded out by large sugar growers. After the grant of Carolina was made in 1663 to the eight Proprietors, Colleton seems to have taken a sincere interest in the territory and he attended meetings of the Proprietors regularly.

A grant for "the island heretofore called Carlyle Island now Colleton Island lyeing neare the mouth of Chowane now Albemarle river" was made to Sir John Colleton in September, 1663. This island in Kitty Hawk Bay back of the Wright Memorial is now known as Collington Island.

Thomas Woodward, surveyor of Albemarle in 1665, addressed a letter to Colleton "neere St. Jameses, London," where we presume he was then living. The next year, 1666, he died—the first of the Lords Proprietors to be taken by death.

On November 19, 1634, Colleton married Katherine, daughter of William Amy of Exton, Devonshire. They had four sons, Peter, Thomas, John, and James, and one daughter. Colleton's share in Carolina and his title passed to his eldest son, Peter. At Sir Peter's death in 1679, the share went to his son, Sir John Colleton, third baronet. This Sir John removed to South Carolina sometime after 1714 and in 1729 relinquished his share in Carolina to the Crown. James Colleton, son of the first Sir John,

was appointed governor of South Carolina in 1686 and served until 1690. The last member of the family bearing the name, Sir Robert Augustus William Colleton, died in September, 1938, leaving no male heir.

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